

P A P E R S
RELATING TO
EAST INDIA AFFAIRS:
VIZ.
REGULATIONS
PASSED BY THE GOVERNMENTS
OF
BENGAL AND BOMBAY,
IN THE YEAR
1815.

(Presented in pursuance of Act 53 Geo. III. cap. 155, Sect. 66.)

*Ordered, by The House of Commons, to be Printed,
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REGULATIONS Passed by the Governments of India:—~~Passed~~
Honourable House of Commons, in pursuance of an Act of ~~Parliament~~
the 53^d Geo. III. Cap. 155, Sect. 66:—~~Viz.~~

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N° I. to V.**

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Passed on the 18 February 1815 - - - - -

II.—For extending the provisions of Clause Seventh, Section XII Regulation XXIV, 1814

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REGULATIONS

Passed by the Governor General in Council of Bengal,
in the Year 1815.—N^o 1 to V.

A. D. 1815. REGULATION I.

A REGULATION for securing the Right of the British Government to assess Land held under Mocurreree or Istumrar Grants of any preceding Government, on the decease of the holders thereof:—Passed by the Vice President in Council, on the 18th February 1815; corresponding with the 8th Phagoon 1221 Bengal era; the 22d Maug 1222 Fussily; the 9th Phagoon 1222 Willaity; the 9th Maug 1871 Sumbut; and the 7th Rubbi-ul-Awul 1230 Higeree.

WHEREAS the occupants of lands in the ceded and conquered provinces and in Bundelcund, held at a mocurreree or istumrar jumma, under recognized grants of the native Governments, have been permitted by the British Government to hold the same according to the terms of the grants, during life: And whereas it is expedient to obviate every doubt respecting the right of the British Government to impose an adequate assessment on such lands on the death of such life tenants, the following Rules are enacted; to have effect from the date of their promulgation in the provinces aforesaid.

II. On the death of any person holding lands in the ceded and conquered provinces or in Bundelcund, on a mocurreree or istumrar tenure granted by the native governments, it shall be the duty of the collector of the zillah in which the lands are situated, to proceed to the assessment thereof, under such instructions as he shall receive from the Board of Commissioners on the subject, and that Board shall apply to the Governor General in Council for special orders, in any case which may appear to call for a deviation from the established rules prescribed for the public assessment; in order, that if the Governor General in Council shall in any case see grounds for granting any abatement from the jumma, which on that principle would be assessed on the lands, he may take the subject into his consideration, and may allow such reduction of the jumma, as may be deemed proper.

Preamble
Duty of collectors in the assessment of lands held on a mocurreree or istumrar grants of the native governments, on the decease of the holders.

III. No court of justice shall on any account take cognizance of the question of resumption of grants of the nature described in the preceding section on the death of the holder, nor of the assessment of the lands consequent thereto. The adjudication of all claims on these accounts, shall rest definitively with the revenue authorities, subject only to the approval of the Governor General in Council.

Reservation of power to the Governor General in Council to grant an abatement from the jumma of the lands which may be so assessed.

Courts of justice restricted from taking cognizance of the question of resumption of grants described in 2d section of this Regulation, or of the assessment of the lands consequent thereto.

IV. Nothing contained in Section III. shall be construed to preclude the courts of justice from receiving, hearing, trying and deciding on claims to the actual property in the lands situated within a mocurreree or istumrar, as well as to all or any of the rights, privileges or advantages annexed to such property by the existing laws or established usages of the country.

The courts of justice not restricted from taking cognizance of claims to the actual property in the lands.

V. Nothing contained in this Regulation, shall be considered to deprive the revenue officers of the right to resume as heretofore, any mocurreree tenure proved to be illegal or invalid, during the life of the present incumbent.

Revenue officers to resume any mocurreree tenure which may be proved to be illegal or invalid, during the life of the incumbent.

Courts of justice prohibited from taking cognizance of claims to such tenures, if the possessor of the grant shall have died subsequently to the cession or conquest.

VI. All such mocrerrree or istumrar having been declared to be life tenures only, the Courts of Judicature are hereby further prohibited from taking cognizance of any claim to hold any land at a mocrerrree or istumrar rent, by virtue of any grant, the possessor of which may have died at any time subsequent to the cession or conquest.

A. D. 1815. REGULATION II.

A REGULATION for extending the provisions of Clause Seventh, Section XII, Regulation XXIV, 1814 :—Passed by the Vice President in Council, on the 18th of April 1815; corresponding with the 7th Bysaak 1222 Bengal era; the 24th Cheyte 1222 Fussily; the 8th Bysaak 1222 Willaity; the 9th Cheyte 1872 Sumbut; and the 7th Jamadi-ul-Awul 1230 Higeree.

Preamble.

WHEREAS under the provisions of Clause Seventh, Section XII, Regulation XXIV, 1814, it is competent to the Governor General in Council to invest a Register stationed at a place, not being the station of the Zillah or City Dewanny Adawlut, to which he is attached, with original jurisdiction in the cognizance and trial of summary suits, originating within local defined limits: And whereas it is expedient that such original jurisdiction should not be confined to the limits of the district, in which such person may hold the office of Register, but should be extended at the discretion of the Governor General in Council, to portions of other districts, in which such Register may be authorized to exercise the powers of joint Magistrate; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

In what cases a register may be specially empowered to take cognizance of summary suits, originating in other districts, than that in which he may hold the office of register.

II. It shall be competent to the Governor General in Council, to extend the original jurisdiction, which may be vested in a register, with regard to the cognizance and trial of summary suits under Clause Seventh, Section XII, Regulation XXIV, 1814, to those portions of other districts, in which such register may be authorized to exercise the powers of joint magistrate.

Provisions of Clauses Fourth, Fifth, Eighth, and Twelfth, Section XII, Regulation XXIV, 1814, declared to be applicable to such suits.

III. The provisions contained in Clauses Fourth, Fifth, Eighth, and Twelfth, Section XII, Regulation XXIV, 1814, shall be considered to be equally applicable to summary suits cognizable by a register, under the original jurisdiction, which may be vested in him in conformity with the preceding section, as to those which he may be authorized to receive and try under Clause Seventh, Section XII, Regulation XXIV, 1814.

Proceedings and periodical reports regarding such suits how to be furnished.

IV. It shall be the duty of the register to transmit, at such time as may be found convenient, the original proceedings held by him in the trial of summary suits under Section II. of this Regulation, together with the usual periodical reports regarding such suits, to the judge of the zillah or city within whose jurisdiction such summary suits may have originated.

A. D. 1815. REGULATION III.

A REGULATION for continuing the existing Settlement of the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies, until the expiration of the year 1223 Umlee:—Passed by the Vice President in Council, on the 12th May 1815; corresponding with the 31st Bysaak 1222 Bengal era; the 19th Bysaak 1222 Fussily; the 1st Jeyte 1222 Willaity; the 3d Bysaak 1872 Sumbut; and the 2d Jumjadi us Sance 1230 Higeree.

WHEREAS the unavoidable delay which has occurred, in providing for the revision of the settlement of the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies, which will expire with the present year 1222 Umlee, renders it expedient that the existing settlement should be continued in force until the expiration of the year 1223 Umlee, the following Rules have been enacted, to be in force from the date of their promulgation. Preamble.

II. The existing settlement of the land revenue of the district of Cuttack, the Pergunnah of Puttaspore and its dependencies, shall continue in force until the expiration of the year 1223 Umlee, subject to the following provisions.

The existing settlement of Cuttack, the pergunnah of Puttaspore, and its dependencies, to continue in force until the expiration of the year 1223 Umlee.

III. If any zemindar or farmer who has entered into engagements for the payment of the public revenue, during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1223 Umlee, he shall notify the same to the collector of Cuttack, or to the collector of Hidgellee, according as his lands may be situated within the respective local jurisdiction of those officers, on or before the 1st August next; corresponding with the 18th Sawun 1222 Bengal era; the 11th Sawun 1222 Fussily; the 19th Sawun 1222 Willaity, the 11th Sawun 1872 Sumbut; and the 24th Shaban 1230 Higeree.

The zemindars and farmers who may not be willing to continue their engagements to the expiration of the ensuing year 1223 Umlee, to notify the same to the collector on or before the 1st August next.

IV. All zemindars and farmers, who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue, during the year 1223 Umlee, as may be specified in their engagements for the present year 1222 Umlee.

The zemindars and farmers who may not make a notification to the above effect, are declared responsible for the payment of the existing revenue during the year 1223 Umlee.

V. The Collectors of Cuttack and Hidgellee, shall make such arrangements for the management during the year 1223 Umlee, of any lands which may be relinquished by the zemindars or farmers, under the option vested in them by Section III, of this Regulation, as may appear to be most advisable under the instructions of the Board of Revenue, and with the sanction of Government.

The collectors of Cuttack and Hidgellee how to proceed in the management of the lands which may be relinquished under the option given by Section III, of this Regulation.

VI. Nothing contained in this Regulation, shall be construed to deprive the zemindars of the benefit of the pledge conveyed in Section IV, Regulation XII, 1805, and confirmed by Section III, Regulation X, 1812, purporting, that at the expiration of the Umlee year 1222, a perpetual settlement will be concluded for such estates as may be in a sufficiently advanced state of cultivation, to warrant the adoption of that measure without an undue sacrifice of the public resources; and it will consequently be the duty of the Board of Revenue, to report as soon as circumstances may admit, what estates may be in a state of cultivation to warrant the conclusion of a permanent settlement, either with or without an increase on the assessment of 1222 Umlee, as the condition and produce of the several estates may suggest.

The zemindars not to be deprived of the benefit of the pledge conveyed in Section IV, Regulation XII, 1805, and confirmed by Section III, Regulation X, 1810.

Duty of the Board of Revenue.

A.D. 1815. REGULATION IV.

A REGULATION for modifying some of the provisions at present in force, for the collection of Customs on certain articles of Commerce in the Territories immediately dependent on the Presidency of Fort William:—Passed by the Vice-President in Council, on the 26th August 1815; corresponding with the 12th Bhaddoon 1222 Bengal era; the 7th Bhaddoon 1222 Fussily; the 13th Bhaddoon 1222 Willaity; the 6th Bhaddoon 1872 Sumbut; and the 20th Ramzan 1230 Higerree.

Preamble.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the Staples and Marine Stores of Great Britain, that the Import Duties now payable at this Presidency on sundry articles should be abolished, provided that the articles be imported from Great Britain or Ireland, on British registered ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d George III. cap. 155, and other subsequent Acts; and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain and Ireland, should be modified: And whereas it has further been deemed expedient to modify and alter the duties now levied on goods, being the produce of the British territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the Customs;—the following Rules have therefore been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort William, from the date of the enactment of this Regulation.

IMPORTS:

All articles manufactured from wool, worsted-thread or yarn, imported from the United Kingdom on British registered ships, or Indian-built ships trading under legal authority, shall be exempt from duty.

II. Woollens, including cloths of sorts, blankets, hose, Guernsey shirts, caps, and generally all articles manufactured from wool, or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, on British registered ships or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d George III. cap. 155, and other Acts containing similar provisions, shall be exempt from duty; any thing contained in any former Regulation to the contrary notwithstanding.

Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duties.

III. Copper, tin, iron, steel, lead, and all other metals, in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding Section, shall also be exempt from duties.

Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempted from duties.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties.

All other articles except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of $2\frac{1}{2}$ per cent.

V. *First*.—All articles, the produce or manufacture of the United Kingdom, not specified in the preceding Sections, (with the exception hereafter stated,) on importation at the ports of Calcutta, Balasore, or Chittagong, shall be charged with a duty of $(2\frac{1}{2})$ two and a half per cent., to be adjusted according to the provisions established by Regulation IX, 1810, or any other Regulation in force.

All articles, the produce or manufacture of foreign Europe, with exception to wines and spirits, shall be subject to a duty of 5 per cent.

Second.—All articles, the produce or manufacture of foreign Europe, (with the exception of wines and spirits) on importation at the ports of Calcutta, Chittagong, or Balasore, on British registered ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d George III. Cap. 155 and other subsequent Acts, shall be subject to a duty of five per cent.

Wines and spirits imported from the United Kingdom, shall continue subject to the duties specified in Regulation IX, of 1810, and other existing Regulations.

Third.—Wines and spirits of every description, imported from Great Britain or Ireland, shall continue subject to the same rate of duty with which they are chargeable, under Regulation IX. of 1810, and any other existing Regulations.

VI. It is to be clearly understood, that the articles specified in the preceding Sections, if imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties now in force under the existing Regulations.

The articles above specified, if imported otherwise than as described in Section II, shall be subject to the duties specified in the existing Regulations.

VII. If the established duties on goods specified in the preceding Sections, shall have been paid at any port in the territories subject to the British Government in India, no further duty shall be levied upon their transit from port to port, within the same territories. A regular certificate of such payment, under the signature of the principal officer of the custom-house at which such duties may have been levied, shall be furnished to the collector of customs or other proper officer, at every port to which such goods may be brought, after the first payment of duties.

The goods above enumerated, on which duties may have been paid at any other port in British India, shall not be liable to further duty on transit from port to port.

EXPORTS:

VIII. *First.*—Indigo, the produce and manufacture of the territories immediately dependent on the presidency of Fort William, shall be allowed a drawback on exportation on British registered ships or on Indian-built ships, trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d George III. and subsequent Acts, equal to the whole amount of the duty payable under the existing Regulations.

Drawback to be allowed on indigo, the produce of the territories immediately dependent on Fort William, when exported to the United Kingdom.

Second.—Indigo, the produce and manufacture of the territories of His Highness the Vizier, or of any other Native Power, shall be allowed a drawback at the same rate only as that article, the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on indigo, the produce of the territories of the Nawaab Vizier, or any other Native Power.

Third.—It is to be clearly understood, that the drawbacks mentioned in the two preceding Clauses, are to be allowed only on indigo exported by sea to the United Kingdom of Great Britain and Ireland; and that no drawback will be allowed on the carriage of indigo to any foreign settlement in Asia.

Such drawbacks only allowed on indigo exported by sea, to the United Kingdom.

IX. On cotton-wool, hemp, and sunn, the produce of any part of India, a drawback of the whole amount of duty shall be allowed, on exportation to the United Kingdom of Great Britain and Ireland.

Drawback to be allowed on cotton-wool, hemp and sunn on exportation to the United Kingdom.

X. On the exportation to the United Kingdom of all other articles, including saltpetre, which are liable to duty under existing Regulations, such a drawback shall be allowed, as may reduce the duty actually receivable by Government to $(2\frac{1}{2})$ two and a half per cent. But no drawback shall be allowed in any instance, unless the application for drawback shall be made at the time when the goods are exported.

Rules as to drawbacks allowed on other articles, on exportation to the United Kingdom.

XI. Section V, Regulation VI, 1814, is hereby rescinded. It is however declared, that all applications for drawbacks shall be accompanied by the rowannah or rowannahs covering the goods intended to be exported, as provided in Section XX, Regulation I, 1812.

accompanied by rowannahs, as provided in Section XX,

Section V, Regulation VI, 1814, rescinded; but applications for drawbacks are to be Regulation I, 1812.

XII. In modification of the rules contained in Clause *First*, Section XII, Regulation IX, 1810, and Section III, Regulation I, 1812, it is hereby declared, that the amount of inland or transit duty to be levied on cotton-wool, both in its cleaned and uncleaned state, shall not exceed five per cent. upon the value; under this modification therefore, the fixed rates of twelve annas per maund in its cleaned state, and four annas in its uncleaned state per maund, of ninety-six Calcutta sicca weight, will be reduced to a rate equal to five per cent. on the value, whenever the rates before specified may exceed that amount.

Modification of Rules as to levying the duty on cotton-wool.

XIII. With the above exceptions, it is hereby declared, that nothing contained in the present Regulation is to be construed to affect the inland and transit duties, payable under the provisions of Regulation IX, 1810, and Regulations I. and XIX. 1812, and Regulation VI, 1814.

With the foregoing exceptions, this Regulation not to affect the inland and transit duties.

XIV. *First.*—Nothing contained in this Regulation, is intended to apply to the trade conducting on foreign bottoms, the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until all the arrangements consequent on the treaties of peace shall have been completed.

This Regulation not applicable to trade on foreign bottoms.

Second.

Nor to deposits already made for payment of duties.

Second. Neither is any thing contained in this Regulation intended to apply to deposits made previously to the date of this Regulation, for the payment of duties on goods imported, the accounts of which have not yet been adjusted. All deposits made previous to the date of this Regulation shall be adjusted according to the existing rates of duties.

A. D. 1815. REGULATION V.

A REGULATION for suspending the operation of the existing Regulations in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree:—Passed by the Governor General in Council, on the 29th of December 1815; corresponding with the 15th Poose 1222 Bengal era; the 13th Poose 1223 Fussily; the 16th Poose 1223 Willaity; the 14th Poose 1872 Sumbut; and the 27th Mohurrun 1231 Higeree.

Preamble.

THE Purgunnah of Bogree, in the district of Midnapore, has been long infested by bands of plunderers, who have, at various periods since the first annexation of that pergunnah to the British territories, openly resisted the authority of Government, and have committed the most atrocious acts of violence and outrage. Although such measures as were consistent with the principles and provisions of the existing Regulations have, from time to time, been adopted by Government and by the local authorities, with a view to the establishment of good order and permanent tranquillity in the Pergunnah of Bogree, the attainment of that important object has been frustrated by peculiar obstacles, arising from the nature of the country, the character of the inhabitants, and other special and local difficulties. The failure of all measures hitherto adopted, under the existing laws, to restore tranquillity; the increasing prevalence of disorders, which, if not speedily suppressed, may extend to the neighbouring jungle estates in Midnapore, Burdwan, and the Jungle Mchals, and the continued resistance opposed to the authority of Government, have at length rendered it necessary that the ordinary functions of the Courts of Civil and Criminal Justice, and the operation of the general Regulations, should, for the present, be suspended in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree, and that a Commissioner should be deputed to that pergunnah, for the purpose of exercising such powers and of discharging such functions and duties as may be specially intrusted to him, under the instructions of the Governor General in Council, with a view to the collection of the rents, the establishment of a regular police, and the restoration of public order and tranquillity. The Governor General in Council has accordingly enacted as follows:

The operation of the existing Regulations declared to be suspended in the pergunnah of Bogree, in zillah Midnapore, from the 25th of January 1816, to the date on which this Regulation may be repealed.

II. From and after the 25th of January 1816, corresponding with the 13th Maug 1222 Bengal era; the 10th Maug 1223 Fussily; the 14th Maug 1223 Willaity; the 11th Maug 1872 Sumbut; and the 24th Suffer 1231 Higeree, the ordinary functions of the Courts of Civil and Criminal Justice, and of the constituted Revenue authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the Pergunnah of Bogree, and shall continue to be so suspended until this Regulation shall be formally rescinded by another Regulation, printed and published in the manner prescribed by Regulation XII, 1793.

A commissioner to be deputed to Bogree to act under the instructions of the Governor General in Council.

III. A Commissioner shall be deputed to the Pergunnah of Bogree, who shall exercise such powers as may be intrusted to him by Government, and shall be guided in the discharge of his duties and functions by the special orders and instructions of the Governor General in Council.

Certain persons now confined in the jail of Midnapore, charged with offences in Bogree, and who have not yet been tried or committed to take their trial, to be transferred to the custody of the commissioner in Bogree.

IV. Such persons as may be now detained in confinement in the jail of Midnapore, charged with offences committed in the Pergunnah of Bogree, or suspected of having been concerned with the Chooars of that Pergunnah, in the commission of crimes, and who may not yet have been tried, or committed to take their trial before the Court of Circuit, shall be transferred to the charge of the Commissioner in Bogree.

V. Nothing

V. Nothing in this Regulation shall be construed to affect the sentence of the Court of Circuit, or Court of Nizamut Adawlut, in any case which may be depending before either of these Courts on or before the 25th of January 1816.

This Regulation not to affect the sentence of the court of circuit or nizamut

adawlut, in cases depending in those courts, before the 25th of January 1816.

VI. It shall further be competent to the Court of Circuit and Court of Nizamut Adawlut to try any person, whom the Commissioner in Bogree under the instructions of Government may commit for trial, on the charge of any crime perpetrated before or during the operation of this Regulation. In all such cases, the Court of Circuit and Court of Nizamut Adawlut shall be guided by the general Regulations in force.

And those courts competent to try, in the ordinary mode, any individual who may be committed for trial by the commissioner, for crimes perpetrated before or

during the operation of this Regulation.

II.

REGULATIONS passed by the Governor in Council of *Bombay*, in the Year 1815.

A. D. 1815. REGULATION I.

A REGULATION for preventing the Zillah and City Judges and Collectors of the Public Revenue from employing their native Creditors on their respective Establishments :—Passed by the Right Honourable the Governor in Council on the 15th of March 1815 ; corresponding with the 5th of Falgoon Sood Sumbut, or Vekramajit era 1871 ; Salbahan 1736 ; and 3d of Rubeevolakhir, 1230.

c.

WHEREAS it is necessary to guard against the public inconvenience which may arise from persons invested with important and responsible offices, employing on their establishments natives, being their private Creditors : And whereas it is essential to discourage the practice among the junior part of the service of contracting debts, which not only prove a source of great personal embarrassments to them as individuals, but are likewise entirely incompatible with that independence and freedom of action, which it is essential, on public grounds, that persons succeeding to responsible offices should enjoy ;—the following rules have been enacted, to be immediately in force throughout the provinces immediately dependant on the Presidency of Bombay.

The zillah and city judges and collectors of the public revenue and others, prohibited from employing on their establishments any natives being their private creditors.

II. From and after the promulgation of this Regulation, no person being a creditor of any zillah or city judge or magistrate, or any collector of the land revenue or customs, shall be appointed to any official situation, on the establishment of the person whose creditor he may be ; all officers, therefore, in the departments above mentioned, on submitting for the confirmation of Government the appointment of any officers to subordinate situations on their establishment, shall accompany their applications with a declaration on honour, that the persons so recommended have no claims of a pecuniary nature upon them whatever.

The foregoing Rules to be equally applicable to the relatives and dependents of such native creditors.

III. The rules contained in the preceding Section for precluding the creditors of the public officers above mentioned, from being employed on their public establishments, shall be considered equally applicable to the relatives and dependents of such creditors : The former as well as the latter shall consequently be equally precluded from being employed on the establishments of any of the public officers above described.

The present Regulation not applicable to the commercial residents and agents.

IV. In order to prevent misconception, it is hereby explained, that the foregoing provisions are not intended to apply to the commercial residents and commercial Agents.

A. D. 1815. REGULATION II.

A REGULATION for trying the validity of Titles of persons receiving or claiming a right to receive, Pensions and annual charitable Allowances in the Territories acquired by conquest or ceded to the Honourable the English East India Company, in the Province of Guzerat, or within any part of the Territories subject, or which may hereafter be subject to the Government of Bombay:—Passed by the Governor in Council, on the 5th of April 1815; corresponding with the 11th of Falgoon Vud Sumbut, or Vekramajet era 1871; Salbahan 1736, and 24th Rubyool Akhir 1230 of the Hejry.

SUNDRY Claims to Pensions, and to charitable Allowances, which owe their origin, particularly in the Pergunnah of Broach, to the Moghul Government and to that of the Marhattas prior to the first conquest of that district by the English, and to Scindia subsequently to its cession to him on the 6th of June 1782, having been preferred to the Governor in Council; and it being essential that just and equitable rules should be prescribed for terminating the continuance or discontinuance of allowances of those descriptions, payable in ready money from the treasuries in the zillahs of Surat, Broach and Kaira, or from any of the treasuries within the territories now subject or which may hereafter be subject to the Government of Bombay, the following Regulation has been accordingly enacted.

Preamble.

II. Pensions which may have been granted by the native governments, either wholly or in part, as indemnifications for altungah, ayma, or other land (held by sunnuds conferring a right in perpetuity) resumed by such government, shall not be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order, issued for the confirmation of them, but are to be regarded as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited, in the same manner as other property pensions.

Pensions to be considered as property.

III. Pensions which may have been, in like manner granted as an indemnification for lands resumed by the late government, held only under a life-tenure, shall be continued during the life-time of the persons who were in receipt of them at the time of the cession; whether they be the original grantees or their heirs.

Certain pensions to determine on the demise of the party.

IV. *First*.—Pensions, or charitable allowances which may have been granted by the late government, to the indigent, aged or helpless, under sunnuds, or certificates, specifying that such pensions were to cease on the demise of the holders, shall be continued to the persons who received them at the periods specified in Section II, Regulation III, 1814, during their respective lives (the 1st of October 1812 being fixed with respect to Malwan and its dependencies,) whether they be the original grantees or not, and notwithstanding that such pensions may have been granted by the aumils, provided they were regularly charged in the aumils or fernavese's accounts, and admitted, or not struck off, by the late government, they shall in like manner be continued to the present receivers, should it appear that they have been in the uninterrupted receipt thereof during a period of three years prior to the cession, or for such other period of time as from the circumstances of the case and the situation and condition of the claimants, may reasonably constitute a prescriptive right to the continuance of the pension.

Pensions to be continued during the lives of the persons who received them at the time of the cession, whether the original grantees or not.

Second.—Where a claim may be preferred to a pension which shall not have been paid to the claimant for the period of three years antecedent to the cessions, and the collector may be of opinion that the claim is of such a nature as to merit the consideration of Government, he shall submit the proceedings on the subject of such claims for the orders of the Governor in Council, whatever may be the amount of the claim.

Claims to pensions, not paid for three years antecedent to the cession, to be submitted to the Government.

Pensions granted for religious purposes to be continued.

V. Pensions granted to fakeers, and other religious persons, for the purpose of lighting mausoleums or mosques, or for that of repairing them, as also to enable them to perform their religious ceremonies, shall be continued; but pensions of this description are not to be considered as of a personal nature, and the collector shall be responsible for their being applied to the purpose for which they were bestowed.

Prescriptive right to be sufficient proof, where written documents cannot be produced.

VI. Where sunnuds, certificates or other deeds, cannot be produced, the prescriptive right, arising from long receipt, shall entitle the claimant to a continuance of the pension.

In what manner the sum to be paid the pensioners is to be ascertained and fixed.

VII. In fixing the sum to be paid to the pensioners, the collector is not to be guided by the amount that may be stated in their respective certificates, but by the amount as may appear from the pergunnah or zillah accounts they were in the habits of receiving, provided such sum does not exceed that stipulated in the certificate, which shall in such case become the standard.

Pensions how issuable.

VIII. All pensions are to be issued from the zillah treasuries, and are not to be deducted from any particular article of revenue arising to Government.

For what future or renewed pensions the Collector is to grant certificates.

IX. For every pension which may be hereafter granted by the Governor in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from the before-mentioned treasuries, the collector shall deliver to the party by whom the pension is to be received, a certificate stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title and the date of the grant.

Register of pensions to be kept.

X. *First.*—The collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds, and vouchers under which they are held, in a register, in the English and Guzerattee languages, to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may be likely to detect any future attempt to transfer them to others.

The Collectors to correct the registers whenever a pension may revert to Government, &c.

Second.—It shall likewise be the duty of the collectors to correct the said register carefully, as often as any pensions may revert wholly or in part to Government, or whenever other individuals than those by whom the pensions are at present received, shall be adjudged entitled to the reversion of them.

Rule for the payment of one hundred rupees per annum by the Collector.

XI. All persons receiving pensions exceeding one hundred rupees per annum, are to attend the collector in person at stated periods, to receive the amount of their respective pensions; and the collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pension to their authorized vakeels; but he is to take due precautions to prevent impositions after the death of the pensioners; and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

Persons receiving pensions not exceeding fifty rupees per annum, to attend once in each year at the cutcherries of the collectors, on the issue of the first quarterly payment, for the purpose of identifying themselves.

XII. *First.*—Persons entitled to pensions not exceeding fifty rupees per annum, shall attend once in each year; that is, on the issue of the first quarterly payment, at the cutcherries of the collectors, for the purpose of identifying themselves, by reference to the registers ordered to be kept by clause first, Section X. of this Regulation, and by such other inquiries as the collectors may deem it necessary to make, in order to guard against frauds in the payment of such pensions: Provided, however, that in cases in which the collectors may be satisfied, after making the fullest inquiries possible on the subject, that the pensioners are actually precluded by sickness or infirmity from attending in person, or that they are women, who, according to the usages of the country, do not ordinarily appear in public, the first quarterly payment shall be issued to any person duly authorized to receive the amount on the part of such pensioners.

Second.

Second.—The three remaining quarterly payments shall be made by any officer on the regular establishments, to whom the collectors may think proper to commit the performance of this duty. It shall be the duty of the officer so selected, to repair to the residence of the different pensioners, to ascertain fully whether the recorded pensioners be living, whether the persons claiming the different pensions be the persons actually authorized to receive them, to issue such pensions only as are indisputably receivable, to refer all questions of doubt to the collector for his orders, and finally, to report the result of the duty intrusted to him.

The three remaining quarterly payments of the pensions may be made by any officer whom the collector may direct to perform that duty.

XIII. Persons entitled to pensions of the nature set forth in Section II. of this Regulation, are not required to attend in person to receive their pensions, but may depute a vakeel, or assign their right to another by a regular deed.

Exceptions to Sections XIII. and XIV.

XIV. Pensions granted by the Moghul or Marhatta Government to persons not residing within the Company's territories, or who are not subjects of the honourable Company, are to cease; unless the parties shall have become permanent residents in the Company's territories, subsequently to the dates specified in Section II, Regulation III, 1814, except in such cases where the interspersed nature of the territories of the honourable Company, and of the States in alliance with the British Government, shall, in the opinion of the collector, render such a deviation from the established Regulations unobjectionable; in all which instances the pensions are not however to be paid, unless the collector shall be satisfied of the existence of the parties entitled to receive the same.

XV. The continuance or discontinuance of all pensions, except those set forth in Section II. of this Regulation, shall, after the death of the persons who now receive them, depend solely on the pleasure of Government, and shall not be subject to cognizance or determination in any court of justice; it shall be the duty of the collector to see that all just and authorized pensions are duly paid, and where any person may deem himself aggrieved by the act of the collector, in respect to a pension, it shall be competent to him to sue for redress in the civil court of the district.

Claim to the continuance of pensions not subject to judicial cognizance, except such as are granted under Section II.

XVI. The collector, under the Rules above laid down, or such as may be hereafter prescribed, is authorized to decide on the claims preferred to him, to the amount of one hundred rupees per annum, but no further; subject to an appeal, within one month from the date of the decision, to the zillah judge, and to a further appeal from the judge's decision, within the same period, to the Governor in Council.

Collectors to decide on pensions as high as one hundred rupees per annum.

XVII. The collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the revenue accountant, and an annual one to the Governor in Council.

Collectors to keep separate proceedings, and submit a monthly abstract to the revenue accountant

XVIII. The collectors are to transmit their proceedings on all claims to pensions, exceeding one hundred rupees per annum, including their opinion on each case, for the orders of the Governor in Council.

To submit proceedings on pensions exceeding one hundred rupees per

annum, with opinion, for the orders of the Governor in Council.

XIX. With a view to the effectual discovery and suppression of abuses with respect to the pension list, a reward shall be paid equivalent to the amount of any pension, for the period of six months, to any person who shall prove, through the regular channel, to the satisfaction of the Governor in Council, that such pension is fraudulently or unduly received by the person enjoying the benefit of it.

A reward equivalent to the amount of any pension for the period of six months, will be paid to any person who may prove that the pension is fraudulently received.

A. D. 1815. REGULATION III.

A REGULATION for defining the Powers to be exercised by the Senior Magistrate of Police in Revenue matters, within the Town and Island of Bombay:—Passed by the Right honourable the Governor in Council, on the 24th of May 1815; corresponding with the 1st of Vysack Vud Sumbut, or Vekramajet era 1871; Salbahan 1737; and 14th Jumadyulakhir 1230 Hejree.

IT being necessary to prescribe the Duties to be performed by the senior Magistrate of police, of a Revenue description within the town and island of Bombay, the following Regulation has been enacted:

Preamble

II. All legal powers, duties and functions imposed on or vested in the late superintendent of police by any Regulation now in force, are hereby transferred to the senior magistrate of police for the town and island of Bombay.

III. Regulation IV, 1803, is hereby repealed, and the senior magistrate of police for the town and island of Bombay shall exercise the functions of a revenue judge in all matters relating to the revenue of the said town and island, according to the Regulations that have been passed or may hereafter be enacted, and shall take the oath prescribed for a revenue judge accordingly.

IV. Nothing in the Regulation shall be construed or taken to suspend or repeal Regulation VI, 1814.

A. D. 1815. REGULATION IV.

A REGULATION for extending and prescribing the Authority to be vested in the Residents at Fort Victoria and Malwan and the Revenue Judge of Bombay, in the trial of Civil Suits, and for regulating Appeals from their decisions :—Passed by the Right honourable the Governor in Council, on the 5th July 1815; corresponding with the 13th of Jest Vud Sumbut, or Vickramajet era 1871; Salbahan 1737; and the 26th Rujub 1230 Hijree.

Preamble.

WHEREAS the judicial powers vested in the residents at Bancoote and Sanderdroog or Malwan, by Regulation I, 1811, and XI, 1814, are limited to the cognizance of causes of a civil nature for money or other personal property, where the amount or value of the thing contested shall not exceed at the former station, the sum of rupees one hundred, and at the latter, rupees five hundred, or in respect to Malwan exclusively, for malguzaree or revenue land, the annual produce of which shall not be above five hundred rupees, or for lokhirazee or free land, the produce of which may not be more than fifty rupees per annum: And whereas considerable inconvenience has been experienced from the remote situation of those districts and their dependencies, particularly of Malwan from the island of Salsette: And whereas it is expedient that a more speedy and efficient course should be established, for the administration of Justice within the territories which now are or hereafter may be dependent on Fort Victoria and Malwan: And whereas no provision has yet been made for regulating the extent of the authority to be exercised by the Revenue Judge of Bombay: And whereas it is expedient that Appeals from their decisions should be made to a nearer tribunal than the Court of Appeal; the following Rules are enacted accordingly:

II. Section II, Regulation I, 1811; and Sections II, III, IV, and VI, Regulation X, 1814, are rescinded.

III. The residents of Fort Victoria and Malwan are empowered to try without limitation, and decide on all suits and complaints of a civil nature for money, or personal or real property, or of malguzaree or revenue land, or for lokhirazee or free land, which may arise within the territories which now are, or hereafter may be dependent on those zillahs respectively, according to the forms prescribed by the Regulations for the administration of justice under this Presidency.

IV. The payment of fees on the institution and trial of suits by the residents at Fort Victoria and Malwan shall be regulated conformably to Regulation VIII, 1802.

V. The cognizance of cases of a revenue description specified in Section III, bear reference only to complaints between individuals, and in which the Company may not be a party; all complaints against the residents in their official capacities as collectors of the revenues and customs and their assistants, and native officers, are hereby declared to be amenable to the judge of Salsette.

VI. The residents are however directed to receive and file all suits and complaints referred to in the preceding Section, and to forward monthly returns of the same to the judge at Tannah, to enable him to determine upon the necessity of repairing to those stations respectively for the trial of the same.

VII. An appeal is to lie to the Governor in Council, in the separate department of sudder adawlut, from the decision of the residents, in all suits or matters where
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the cause or action shall amount to the sum of 400 rupees and upwards; and the residents are invariably to state in every degree, the grounds on which they may pass their decision.

VIII. The revenue judge for the island of Bombay appointed on the 25th of March 1812, shall also take cognizance of all suits or complaints in the departments of customs and revenue conformably to the existing Regulations, without limitation in regard to the amount of the suits. An appeal shall however lie to the sudder adawlut from the decision of the revenue judge, in all suits or matters where the cause or action shall amount to the sum of 400 rupees and upwards.

A. D. 1815. REGULATION V.

A REGULATION for the occasional appointment of Assistant Judges of the Zillah and City Adawluts, and for altering and extending the jurisdiction of the Registers, Assistants, and Native Commissioners of those Courts:—Passed by the Governor in Council, on the 19th July 1815; corresponding with the 13th Assad Sood Sumbut, or Vikramajit era 1871; Salbahan 1737; and 11th of Shaban 1230, Hejry.

THE number of Civil Causes depending before the Judges of some of the Zillah and City Courts being so considerable, that great delay must occur in the investigation and decision of them, and of other Causes that may be instituted previous to their determination, unless some provision be made to expedite the same, and the accumulation of such Causes having chiefly proceeded from accidental circumstances, the effect of which may be removed by a temporary arrangement for the trial and decision of the Causes in arrear, without a permanent alteration of the established jurisdictions; it is expedient that provision be made for the occasional appointment of an Assistant Judge, to assist in the trial and decision of Causes depending before the Judge of any Zillah or City Court in which such an appointment is now required under the circumstances above stated, or may hereafter become requisite under a recurrence of similar circumstances, and to expedite the general administration of justice in the Zillah and City Courts: it is also expedient that the Judges should be empowered to refer for trial to their Assistants and Native Commissioners, suits exceeding in amount or value the sum to which they are at present respectively restricted.

II. *First.*—When the number of civil causes depending before the judge of any zillah or city court may be such as to require the aid and appointment of an assistant judge, for the speedy investigation and decision of such causes, the Governor in Council, at the recommendation of the court of sudder adawlut, or otherwise if it shall appear to him expedient, will appoint an assistant judge for the zillah or city wherein it may be requisite, to be denominated “Assistant Judge of the Adawlut of such zillah or city;” or may direct the register to officiate as an assistant judge, who, previously to entering upon the execution of the duties of his office, shall take and subscribe before the Governor in Council, or before any person whom he may commission to administer it, the same oath as is directed by Section III, Regulation III, 1799, to be taken and subscribed by the judges of the zillah and city courts.

Provision for appointment of assistant judges, when requisite.

Oath to be taken by persons so appointed.

Second.—The assistant judges so appointed are empowered to try and decide, according to the Regulations in force for the administration of civil justice, any causes depending before the judge of the zillah or city in which they may be appointed to officiate that shall be referred to them by the judge; and the judges of the zillahs and cities, wherein such assistant judges may be appointed, are empowered to refer to them from time to time, during the continuance of such special appointments, any cause or causes depending in their respective courts, whether original suits, or appeals from the decisions of their registers or of the native commissioners.

Third.—The section of the particular causes to be so referred to the assistant judge, and the number of causes to be referred to them at any one time, are left to the discretion of the zillah or city judge, on a general consideration of the business depending before himself and register, and the number of causes already under reference to the assistant judge; but he is to be guided, as far as circumstances may admit,

General rule to be observed in referring

and trying such causes.

admit, by the Rule contained in Section XVIII, Regulation IV, 1799, which directs, with certain exceptions, that depending causes be brought on for trial according to the order in which they may be filed. This rule is also to be observed by the assistant judges in the trial of causes referred to them.

Assistant judges to try causes in open court. Court where to be held.

Authorized pleaders to attend the court. And additional pleaders to be appointed, if necessary. Governor in Council will provide the requisite establishment of ministerial officers.

But law officers of the zillah and city courts to expound the law.

Process in suits referred to assistant judges, by whom and in what manner to be issued.

Penalty for disobedience or resistance to such process.

Rules to be observed by assistant judges in the trial of all causes referred to them. And in what cases their decisions to be held final or appealable to the provincial courts.

Process of provincial courts respecting causes depending before, or decided by assistant judges, how to be transmitted and executed.

Returns from assistant judges, and all communications from them to the provincial courts, or other courts or officers, how to be made.

In matters of practice and form, not provided for by the Regulations, assistant judges to be guided by instructions of the court of sudder adawlut.

Fourth.—The assistant judges appointed under this Regulation, are to try the suits referred to them in open court, to be held in the court-house of the zillah or city adawlut, or in some convenient place adjacent thereto; and a sufficient number of authorized pleaders of the zillah or city court shall be directed to attend the court of the assistant judge, or, if necessary, an additional number shall be appointed for this purpose under the provisions contained in Regulation XIV, 1802; any additional establishment of ministerial officers which may be required to attend the assistant judges, in performance of the duties prescribed by Regulation IV, 1800, will also be provided for by the Governor in Council. But the Mahomedan and Hindoo law officers of the zillah and city courts are to expound the law, in all cases wherein it may be requisite, for the determination of causes referred to the assistant judge.

Fifth.—All process which it may be necessary to issue, in suits referred for trial to an assistant judge, shall be issued under the seal of the zillah or city court, and the signature of the assistant judge, and shall be executed by the officers of the zillah or city court, in like manner as all similar processes are issued in causes tried by the judge. The process signed by an assistant judge, in suits referred to him, shall be considered of the same force and validity as process signed by the judge; and any disobedience or resistance thereto shall be equally liable to the penalties declared by the Regulations, for disobedience or resistance to similar process issued by the judges of the zillah and city courts.

Sixth.—In the trial of all causes referred to an assistant judge, he is to be guided by the same rules as are prescribed for the trial of the same causes before the judges of the zillah and city courts; and his decisions are to be held final, or appealable to the provincial court of appeal of the division, under the prescribed rules for appeal, according as the cause would or would not have been appealable to the provincial court, if it had been decided by the judge of the zillah or city court.

Seventh.—In cases wherein an appeal may lie to the provincial court from the decision of an assistant judge, as well as in all cases wherein the provincial court of appeal may have occasion to issue process with respect to causes decided by or depending before an assistant judge, such process shall be transmitted to the judge of the zillah or city, who shall forward the same to the assistant judge; or shall himself comply with the exigency of it, if the assistant judge be not at the time present, or his office shall have been discontinued, or if from any other cause such process cannot be complied with by the assistant judge. In like manner all returns to the provincial court by an assistant judge, as well as all other communications by an assistant judge to a provincial court, or to any other court, authority, or office, shall be made through the judge of the zillah or city wherein he is employed.

In the event of the register of any court being nominated to officiate as the assistant judge, the judge shall be empowered to refer to the assistant to the register suits cognizable by the register, and to the native commissioners of the court (should no other European assistant be attached to the court) suits which are cognizable by the permanent assistant; the officiating register, the acting assistant, and the native commissioners, being in such cases guided, in all matters relating to appeals, to practice and forms, by the existing Regulations applicable to their respective jurisdictions.

In all matters relating to practice and form not provided for by this or any other Regulation, and to appeals, the assistant judges, acting registers, and acting native commissioners, who may be appointed under this Regulation, shall be guided by such instructions as they shall receive, through the judges of the zillah or city courts to which they may be attached, from the court of sudder adawlut.

The court of sudder adawlut are to report to the Governor in Council whenever, from the number of causes depending before the judge of any zillah or city court, they may be of opinion that an assistant judge should be appointed under this Regulation, as well as when from the decision of the causes in arrear, or for any other reason, such provisional appointment may appear to them no longer necessary.

A. D. 1815. REGULATION VI.

A REGULATION for establishing Annual Vacations of the Civil Courts of Justice ; for postponing the commencement of the Jail Deliveries, during such Vacations :—Passed by the Right honourable the Governor in Council, on the 19th July 1815 ; corresponding with the 13th Assad Sood Sumbut, or Vikramajit era 1871 ; Salbahan 1737 ; and 11th of Shaban 1230 Hejry.

THE Hindoo native officers employed in the courts of justice, as well as the Hindoo wukeels attached to these courts, being in general solicitous to have leave of absence at the annual festival of the Dusserah, for the purpose of celebrating this festival, and at the same time visiting their families ; and the Mohummudan officers and wukeels being usually desirous to have leave of absence for similar purposes, at the festival of the Mohurrun ; the Governor in Council has judged it advisable to authorize a general adjournment of the civil courts at the periods of the above festivals ; in allowing which, he has it further in view to enable such of the judges and registers as may require temporary leave of absence from their stations for any private purpose, to apply for the same at a period when the adjournments of the civil courts may admit of it with less public inconvenience than when both the civil and criminal courts are open ; and in consequence of the opportunity thus given them to apply for leave of absence during the fixed vacations, it is expected they will not make such applications at any other period, except in cases of indispensable necessity.

II. The provincial, zillah and city civil courts shall be annually adjourned during the Hindoo festival called Dusserah, which occurs in the Guzeratee month Aso or Kartik, corresponding with the English month of September or October ; and also during the Mohummudan festival Mohurrun, which, depending on the lunar year, is not fixed to any particular month. The former adjournment (or Dusserah vacation) shall commence ten days before this festival, and continue for the period of one month of thirty days ; the latter adjournment (Mohurrun vacation) shall commence five days before this festival, and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary, except as far as the fixed period for the one may extend beyond that of the other ; as, when part of the Mohurrun vacation only may fall within the period fixed for the Dusserah vacation, or, on the other hand, when part of the latter only may fall within the period of the former.

Provincial, zillah, and city courts, to be annually adjourned at the Dusserah and Mohurrun.

Period fixed for the two vacations.

III. The court of sudder adawlut are authorized to adjourn that court during the period of the two vacations above mentioned, or otherwise, as they may judge proper.

Sudder adawlut may adjourn that court or not as they may judge proper.

IV. The provincial courts of circuit being directed by the Regulation VIII, 1812, to commence their circuits on the 1st January, 1st May, and 1st September, of each year, and as these dates may occasionally fall within the period of one of the vacations above authorized ; when this may happen, the commencement of such circuit shall be postponed until the expiration of the fixed period for the vacation, or as long as the magistrates of the zillahs where the first jail delivery is to be held may, on a reference from the courts of circuit, state to be necessary on this account ; but after the actual commencement of the circuit, no jail delivery shall be postponed on account of either of the vacations above noticed, nor shall the attendance of any person required before the court of circuit be dispensed with on account of the vacation in such instances, which however can seldom occur.

But no gaol delivery to be postponed on this account when the circuit shall have commenced.

Nor the attendance of persons required before the court of circuit dispensed with in such instances.

A. D. 1815. REGULATION VII.

A REGULATION for referring to Arbitration Suits and Contests respecting Land :—Passed by the Governor in Council, on the 26th July 1815 ; corresponding with the 5th Assad Vud Sumbut, or Vikramajit era 1871 ; Salbahan 1737 ; and 18th of Shaban 1230 Hejry.

WHEREAS no provision has been made by the existing Regulations for referring to Arbitration, Suits and Contests respecting Land, and it is expedient to provide for the same : And whereas doubts exist as to the construction of Section VI, Regu-

lation VI, 1800, whether it admits of arbitrators sending their awards or appearing in person to deliver the same;—the following Rules have been passed, to be in force from their promulgation throughout the territories immediately dependent on the Presidency of Bombay :

Parties, in suits respecting land, are at liberty to refer their suits to arbitration.

II. *First*.—Parties in suits, depending in the civil courts of judicature respecting the property in land, or limited tenures therein or rights dependent thereon, shall be at liberty to refer their suits to arbitration, and shall by all due means be encouraged by the courts to resort to that mode of adjusting their differences.

Rules contained in Regulation VI, 1800, to be considered applicable to suits referred to arbitration under the present Regulation.

Second.—The rules contained in Regulation VI, 1800, respecting the reference of suits to arbitration, the appointment of arbitrators and umpires, the investigation of suits referred to arbitration, the time and mode of making the award, and the setting aside or confirming the same, are declared applicable to suits referred to arbitration by the courts of judicature under this Regulation.

Persons between whom disputes may exist respecting land, are at liberty to refer the same to private arbitration.

III. *First*.—Persons between whom disputes may exist respecting the property of land, or limited tenures therein or rights dependent thereon, whether the same be or be not depending in the court of judicature, are at liberty, without any application to the courts, to refer the same to private arbitration; and the awards made by the arbitrators and umpires appointed in such case by the parties shall be supported and enforced by the courts, under the following rules and limitations :

How the award is to be carried into execution, and during what period.

Second.—Whenever a dispute respecting the matters enumerated shall have been referred to private arbitration, and an award shall have been duly made, if either party shall refuse to perform the award, it shall be competent to the other party, within the period of six months from the date of the award, to apply summarily to the dewanny adawlut, and upon such application, if the court, after calling upon the opposite party for his answer, be satisfied that the award was duly made by arbitrators or umpires appointed by the free will and consent of the parties, and such award shall be liable to no impeachment, which would have warranted the setting it aside if it had been made under the authority of the court, shall cause the same to be summarily executed as a decree of Court, calling upon the arbitrators and umpires, if necessary, to attend and give their assistance in the execution of their said award : Provided always, that if such application for the enforcement of a private award shall not be made within the period above prescribed, the court shall not admit any plea whatever for delay, but shall reject such application and refer the party preferring it to a regular suit.

Whenever private awards are tendered by the parties in regular suits, the courts how to proceed in those cases.

Third.—Whenever private awards shall be tendered by the parties in regular suits, the courts, if such awards shall appear to have been performed and the possession of the contested property to have been held under them, shall allow equal validity to the same as if they had been made under the authority of the courts ; but if the awards tendered shall not have been performed at all, or shall have been performed only in part, the courts should not admit the same, unless they be established by clear and satisfactory proof, shall be distinct and intelligible so as to admit of easy execution, and the delay which may have accrued in the performance of them shall also be duly accounted for.

No former decree of court, on awards of arbitration respecting land, shall be amended or reversed after the promulgation of the present Regulation.

IV. There being reason to believe that decrees have been passed by many of the civil courts of judicature, founded both upon awards made under the authority of the court, and also private awards respecting the property in land, and limited tenures therein and rights dependent thereon; it is hereby declared, that after the promulgation of this Regulation no decree relating to the matters above enumerated shall be amended or reversed upon the ground of the same being founded on an award of arbitration not authorized by the regulations at the time the award was made, unless such award be in itself open to just cause of impeachment.

Exception in what cases.

Section VI, Regulation VI, 1800, amended, and arbitrators allowed to deliver in their awards through their constituted agents.

V. Doubts having arisen as to the construction of Section VI, Regulation VI, 1800, it is hereby declared, that in order to encourage men of respectability to become arbitrators, it is sufficient that on the case being transmitted to them, and after due investigation thereof, the award be delivered into court through their wukeels, mooneem-goornashtas, or other authorized agents, specially empowered by them so to do.

A. D. 1815. REGULATION VIII.

A REGULATION for extending to the Commercial Residents, their Deputies and Assistants, the privilege of trading on their own account:—
 Passed by the Governor in Council on the 30th August 1815; corresponding with the 10th Shravan Vud Sumbut, or Vikramajet era 1871; Salbahan 1737; and 24th of Ramzan 1230 Hijree.

THE honourable the Court of Directors having permitted commercial residents and their deputies and assistants, to be concerned in private transactions of a commercial nature on their own account, and as agents for others: And whereas it is essential to define the terms on which commercial residents and their deputies and assistants, are allowed to engage in such transactions, the Governor in Council has enacted the following Rules for that purpose:

II. *First*.—Previously to commercial residents, their deputies, and assistants engaging in commercial concerns on their own account, or as agents for others, in articles that enter into the honourable Company's investments, they shall make application to the Governor in Council for permission.

Permission must first be obtained through the Governor in Council.

Second.—In all cases where permission may be granted, the commercial residents, their deputies and assistants, shall furnish to the Governor in Council every quarter, or oftener if required, an account of the extent of the trade carried on by them in the articles above adverted to, and shall be liable to such orders as the Government may consider it necessary to give on the occasion.

Periodical accounts of the extent of trade to be submitted, which is liable to discontinuance by orders of the Governor in Council.

Third.—In their dealings with weavers on their private account, the commercial residents, their deputies and assistants, shall be subject to the same Regulations as other private traders.

Regulations for private traders, applicable to the commercial servants.

III. Commercial residents, their deputies and assistants, shall not act as agents for others, nor be engaged in purchases on their own account in cotton, or of any other of the raw products of the country which the Company may have occasion to provide, until their investment shall be completed, or so long as it may be necessary for the Company to go into the market for that purpose.

Commercial servants, before completing the Company's investment, not to trade in the same articles.

A. D. 1815. REGULATION IX.

A REGULATION for collecting the Tax on Houses on the Island of Bombay, situated beyond the limits of the Town as fixed in 1794, which Tax was imposed by the order and under the authority of the Right honourable the Governor in Council on the 20th January 1813, and confirmed by the Statute of the 54th Geo. III. c. 105:—Passed by the Governor in Council, on the 6th of September 1815; corresponding with the 3d of Bhadrapud Sood Sumbut, or Vikramajet era 1871; Salbahan 1737, and 1st of Shaval 1230 Hejry.

THE Governor in Council having resolved that the Tax on houses on the Island of Bombay, shall be applied to the maintenance of a more efficient Police on the said Island, the following Rules and Regulations are hereby established for the collection of the said Tax:

II. The collector of Bombay shall be entrusted with the collection.

Collectors of revenue entrusted with the collection of the tax on houses.

First.—All religious edifices are hereby declared to be exempt from the payment of the said tax.

All religious edifices exempted from the tax.

Second.—All temporary houses, bungaloes, or other temporary buildings, situated within the limits of military cantonments, and occupied by European and native officers, or by the soldiers and sepgys of His Majesty's and the Company's army, shall be exempted from the payment of the said tax.

Houses, &c. of the military, within the limits of military cantonments, exempted from the tax.

III. *First*.—An assessor shall be appointed by the Governor in Council, to adjust the assessment on the said houses, in conformity to the Rules established by the present Regulation, with such salary as may be thought proper.

An assessor to be appointed, with salary.

Second.

Native receivers to be appointed to realize the tax, who shall be remunerated by a salary, and shall give security.

Second.—In like manner, a native receiver or receivers shall be appointed by the collector, to realize the tax, according to the assessment to be fixed under the present Regulation. Receivers so appointed shall be remunerated by such monthly salary as the Governor in Council may think proper. Persons appointed under this Regulation to the office of receiver of the tax, shall give security for the due performance of the duties of his or their office to such an amount as may be deemed sufficient for securing the public against any loss that might otherwise be sustained by any pecuniary defalcation.

Affessors and receivers to take the following oath.

IV. *Third.*—The assessors and receivers respectively of the house-tax, previously to entering upon the execution of their duties, shall take and subscribe the following Oath :

Oath.

“ I, *A. B.* appointed to assess (*or*, collect) the House-tax for the year, in Division “ (*or*, Ward) No. _____ of the city or town of _____ Swear, That “ I will assess (*or*, collect) the Tax on houses fairly and impartially, according “ to the Rules prescribed in Regulations () 181 , and that I will render “ a true account of the same to the Collector of Bombay.”

Rules as to persons exempted from taking oath.

Fourth.—If any person appointed to be a receiver, should be of a rank or cast to entitle him to an exemption from taking an oath, he shall make and subscribe a solemn declaration to the same effect.

Description of houses subject to the tax, and rate of assessment.

Fifth.—Dwelling houses of every description, whether of straw, mud, or of whatever other materials they may be constructed, which shall yield an annual rent of twenty rupees and upwards, shall respectively be assessed at the rate of five per cent. on their annual value, such tax to be collected from the 1st of January 1816.

Houses occupied by the proprietors themselves how to be assessed.

V. In cases wherein such houses may be occupied by the proprietors themselves, or wherein no rent may be received for them from the occupants, the tax shall be adjusted from a consideration of the annual value of other houses of the same size and description in the neighbourhood.

Proprietors of more than one house, the value of each of which is below 20 rupees, to be assessed.

VI. Persons possessing more than one house, the annual value of each of which shall be below twenty (20) rupees, are to be assessed, at the rate above stated, on the aggregate rent of such houses.

Collector to furnish abstract statements of assessment, for the approval of the Governor in Council.

VII. As soon as the assessment shall have been completed, the assessor shall furnish an abstract statement thereof, with such further information on the subject as may be requisite or be called for, to the Governor in Council for his approbation ; and on such assessment being approved, the collection of the tax shall be levied by the collector.

Annual revisions of the assessments to be made, and submitted for the sanction of the Government.

VIII. The assessor shall annually revise the assessment, taking the former assessment as the basis of the new one, and making such alterations therein as may appear, either from the improvement or decline in the value of the houses, to be just and proper ; and all such revised assessments shall be submitted for the sanction of the Governor in Council.

How persons dissatisfied with the assessment shall proceed.

IX. *First.*—Any person who may be dissatisfied with the assessment fixed on his habitation by the assessor, shall in the first instance report the circumstances to the collector, who will represent the case to the assessor, and the assessor will modify the assessment, if it should appear to him necessary and proper.

May appeal to the judge, should they be dissatisfied with the collector's decision.

Second.—Should the assessor refuse to reduce the assessment, or the party remain dissatisfied with his proceedings, he shall be allowed an appeal to the revenue judge ; and the judge, after a summary investigation, shall either confirm or modify the assessment as may appear to be equitable and just.

Judge's decision to be final, except in particular cases.

X. The decision of the revenue judge shall be considered final, excepting in cases in which particular circumstances may appear to the suddur adawlut, to render the admission of a special appeal necessary.

Judges may impose fines in cases of groundless or litigious appeals.

XI. To discourage litigious appeals, the revenue judge is hereby authorized to impose a fine on persons whose objections to the assessment may prove, on investigation, to be evidently groundless and litigious ; the amount of such fine to be levied according to the circumstances of the case, and to the condition of the party, by distress.

XII. *First.*

XII. First.—The tax shall be collected by the native receiver immediately after the same shall become due, who shall furnish the occupant of the house with a receipt for the amount of the said assessment, signed by the collector. In cases wherein payment shall be refused or evaded, the receiver shall report the circumstances to the collector, who is hereby empowered, after satisfying himself of the truth of the report, to issue his warrant, to levy the amount by distress of the property of the occupant or proprietor: the personal effects of the occupant shall, in the first instance, be liable to be sold for the recovery of the tax; but if the proceeds of the sale of such effects be insufficient to discharge the full amount of the demand, the residue shall be recovered by the distress and sale of the goods and chattels of the proprietor, should he fail to discharge the demand, on notice to do so, within a period of eight days from the date of presentation of the bill, which in such cases is to be issued to him by the receiver. The principle of the Rule is of course to be observed in cases in which the tenant and proprietor may be the same person. In case the proceeds of the sale exceed the demand, the surplus to be returned to the proprietor or tenant, as the case may be.

Tax to be collected quarterly, and receipts to be granted signed by the Collector, who may levy the amount by distress, should payment be refused or evaded.

Second.—The following Form of the Warrant is to be observed in levying the warrant-tax by distress :

" WHEREAS in and by assessment, made and assessed by the Right honourable
the Governor in Council of Bombay, on the owners and occupiers of houses
and buildings situated beyond the limits of the town, as fixed by the Order
of Council, dated the 20th of January 1813, which assessment hath been
duly approved and confirmed in Council ;
an inhabitant, and of a beyond limits of the said
town, was duly rated and assessed for one year, which commenced on the
1st day of February 18 and ended the 31st day of January
year, the sum of rupees
being one-twentieth part of the gross annual value of the
which he is
of as aforesaid : And whereas it duly appeareth that the said sum of rupees
hath been lawfully demanded of the said
by the space of eight days
past and upwards, and that the said
hath refused, and doth refuse to pay the same ; these are therefore to require
you forthwith to make distress of the goods and chattels of him the said
and if within the space of eight days next
after such distress by you taken, the said sum, together with reasonable
charges of taking and keeping the said distress, shall not be paid, that then
you do sell the said goods and chattels so by you distrained, and out of the
money arising by such sale, that you detain the said sum of
and also your reasonable charges of
taking, keeping, and selling the said distress, rendering to him the
the overplus (if any be) on demand ; and if no such distress can be made,
that then you certify the same, to the end that such further proceedings
may be had therein, as the circumstances of the case may require. Given
under my hand and seal, this day of
in year of our Lord 18 .

Third.—The following Certificate is to be affixed to the back of the Warrant :

“ This is to Certify, That the sum of rupees
 “ being the twentieth part of the gross annual value of
 “ the house
 “ hath been demanded of the within
 “ named
 “ by the space of eight days and upwards, and that he hath refused and doth
 “ refuse to pay the same, wherefore this Warrant is issued to levy the amount.”
 “ Bombay Collector’s Office,
 “ 18 .
 “ *Collector.*”

Certificate of the demand having been preferred and payment refused.

Fourth.—The following instruction is to be also affixed to the Warrant, and addressed to the native receiver who is to execute it.

65.

F

“ You

Instructions to the party executing the warrant.

" You will proceed in execution of this Warrant against

"

" and should the party, on your proceeding to execution, tender payment of
 " the amount due by him, as above specified, you will receive the same with
 " the further amount of 100 reas, being the expense attending the issue of this
 " Warrant, which you will then return to me. Given under my hand and
 " seal this
 " one thousand eight hundred and

(Signed)

" A. B.

" Collector."

XIII. Any person aggrieved by the measures authorized in the preceding clause, may sue for redress against the assessor before the revenue judge; and any native receiver who may be guilty of any improper exercise of the power vested in him, or of any undue exaction in the collection of the said tax, will be liable, on conviction, to the pains and penalties hereafter prescribed.

Complaints against the collector to be proceeded upon in the same manner as those against collector of revenue.

XIV. Complaints and suits against the collector for acts done by him under this Regulation, shall be proceeded upon in the same manner as if the acts complained of had been done by him in his capacity of collector of the land revenue.

No person liable to a charge for peons except in the execution of process under Section XIII.

XV. As the assessor and receivers will be furnished with an adequate number of peons from the establishment of the collector, no person shall be liable to any charge for any duties performed by either of those officers respectively; but whenever the collector may be under the necessity of issuing process against a defaulter, under the authority granted to him in the Section XIII. of this Regulation, such defaulter shall be liable to the ordinary amount of the charge of the printed warrant.

No person to be arrested or confined but under process issuing from the court of judicature.

XVI. No person shall be subject to arrest, detention, or confinement, but under process issuing from the court of the revenue judge.

How native officers, guilty of a breach of the foregoing Rule, are to be proceeded against and punished.

XVII. Any native officer proved to the satisfaction of the collector, to have been guilty of a breach of the Rule contained in the foregoing Section, shall be liable to be dismissed from his employment; it is moreover declared, that complaints against native officers employed in the collection of the house-tax, for undue exactions, shall be cognizable by the revenue judge; and any such native officer on being convicted of having exacted, or attempted to exact, any tullubana, fee, or pecuniary consideration, excepting such as may be expressly authorized by the Governor in Council, under any plea or pretence whatever, shall be liable to be sentenced to fine and imprisonment, according to the nature and circumstances of the case, and the condition in life of the offender; the party aggrieved shall at the time be at liberty to prosecute the offender for damages before the revenue judge.

The object of the tax explained.

XVIII. This tax shall be exclusively appropriated to the purposes of watching, repairing and cleansing the streets of the towns or villages situated beyond the limits of the town of Bombay, for the construction of drains, and for rendering the habitations of the natives in other respects healthy and comfortable; the plans and estimates of the improvements, which may be necessary for these purposes, being in the first instance prepared under the superintendence of the court of petty sessions, and submitted to the consideration and approval of the Governor in Council.

A. D. 1815. REGULATION X.

A REGULATION for the appointment of Cazees in the Territories subject to the Presidency of Bombay, and prescribing their respective duties:—Passed by the Governor in Council on the 11th of October 1815; corresponding with the 9th of Aswin Sood, Sumbut or Vikramajet era 1871; Salbahan 1737; and 7th of Zekad 1230 Hejry.

Preamble.

CAZEES are stationed at the cities of Surat and Broach, and the principal towns, and in the purgunnas, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties

duties or ceremonies prescribed by the Moohummudan law, as have been hitherto discharged by them under the Native, and subsequently the British Governments. The nature of the above-mentioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trust with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor in council; the following rules have been accordingly enacted:

II. *First*.—The Cazees stationed in the cities, towns, or purgunnas subject to the Presidency of Bombay, shall not be removable from their offices excepting for incapacity or misconduct in the discharge of their public duty or acts of profligacy in their private conduct. The cazees so stationed, are to use a circular seal one inch and a half in diameter, on which shall be inserted the designation of their office, and their name in the Persian language, as follows. The seal of the cazees of the city (town, purgunna or purgunnas) of

The cazees of the cities, towns or purgunnas, not removable but for incapacity, misconduct or profligacy.

(Name of the Cazees.)

Second.—The Rule contained in the preceding clause, is not to be construed to preclude the Governor in Council from abolishing the office of cazees at any place where, from the number of cazees stationed in the district, or other cause, the continuance of such an officer may appear to him unnecessary.

The preceding Rule not to preclude the abolition of the office of cazees when such an officer may be unnecessary.

III. When the office of cazees in any purgunna, city or town, shall become vacant, the judge of the zilla or city court, within whose jurisdiction the place may be situated, is immediately to report the vacancy through the court of appeal to the Governor in Council, and recommend such person as may appear to him best qualified for the succession, from his character and legal knowledge. The judges of the provincial Court shall satisfy themselves, on the best information procurable, that there appears no objection to the appointment, and shall report accordingly to the Governor in Council, who will appoint such person to the vacant office or not, as he may deem proper. The person who may be appointed to the office shall be furnished with a sunnud of appointment under the official seal of the Governor in Council, in which the date of his appointment is to be specified.

Vacancies how to be supplied.

IV. The office of cazees is declared not to be hereditary.

The office of cazees not hereditary.

V. The zilla courts and the provincial court of appeal are to report to the sudder adawlut every instance in which it may appear to them that the cazees of any purgunna, city or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction, that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

Courts of judicature to report incapacity, misconduct or private profligacy, to the sudder adawlut.

VI. The cazees stationed in the cities, purgunnas and towns, are to keep copies of deeds and law or other papers, which they may draw up or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers, and in the event of their death, resignation or removal, the list and papers are to be delivered complete to their successors.

All cazees to keep copies of every paper they may draw up or attest; to keep lists of such papers; the lists and papers to be delivered to their successors.

VII. The judges are to furnish the cazees stationed in their respective jurisdictions, with copies of the Persian translations of all regulations printed and published in the manner directed in Regulation I, A. D. 1799.

The judges are to furnish cazees with copies of the Persian translations of the Regulations.

VIII. The cazees stationed in the several zillas, are to be liable to be sued in the court of adawlut for any undue practices in the discharge of the duties which shall be prescribed to them by any Regulation printed and published in the manner directed in Regulation I, 1799.

Cazees stationed in zillas to be liable to prosecution in zillah courts for undue practices.

A. D. 1815. REGULATION XI.

A REGULATION for consolidating the existing Duties on Spirituous Liquors:
 —Passed by the Right honourable the Governor in Council on the 18th of October 1815; corresponding with the 15th of Aswin Sood Sumbut or Vikramajet era 1871; Salbahan 1737; and 14th of Zilkad 1230 Hijree.

Preamble.

IT being deemed expedient to consolidate the various rules which exist for the levy of customs and other duties on spirituous liquors into one Regulation, the following Enactment has been passed :

Rates of duty on spirituous liquors, and the principles on which they are levied.

II. On all brandies, rum, gin, arrack, and all other descriptions of spirituous liquors imported for consumption into the island of Bombay, the established three and a half per cent. customs shall be levied, on the following principles; viz.

From London, on the invoice cost, attested upon oath.

- - Madeira, the same.

- - Cape of Good Hope, 30 per cent. advance on the invoice cost, attested upon oath.

- - Isle of France - - - 15

- - China - - - 20

- - Batavia - - - 25

- - Manilla - - - 20

- - Penang and Eastern Isles - - -

- - Bengal - - -

- - Coromandel - - -

- - Ceylon - - -

- - Arabian Gulph - - -

- - Persian Gulph - - -

- - Malabar and Canara - - -

- - Goa and the Concan - - -

- - Bassein to Surat - - -

- - Surat to Scind - - -

} Under the same attestation.

15

} Per cent. advance on the invoice cost, under the same attestation.

10

The custom on spirits imported without invoices shall be levied ad valorem.

Town duty on ditto.

III. In addition to the customs as above specified, the town duty leviable by clause XV, Regulation I, 1803, is fixed at half a rupee per gallon on the import of spirits of all descriptions and from all places.

Rate of duty on the spirits manufactured on the Islands of Salsette, Caranja, and Fort Victoria.

IV. A duty of a quarter of a rupee per gallon to be levied on all spirits manufactured from articles bonâ fide the produce of the the island of Salsette, Caranja and Fort Victoria; but all imports of spirits from these territories, manufactured from articles other than the produce thereof, shall be subject to the duty of half a rupee per gallon.

Certificates under which they are to be levied.

V. Certificates must be produced from the collectors of these places, that the spirit intended to be imported has been manufactured from articles the growth of those territories, to exempt the said spirits from the payment of the higher rate of duty.

Spirituous liquors to be warehoused when landed.

VI. All spirituous liquors landed at this port shall be placed in the custom-house warehouses, or in warehouses under charge of the custom-master and the importers.

A moiety of the import duty allowed as a drawback on exportation within a period of two months from the date of exportation.

VII. A moiety alone of the import duty is to be allowed as a drawback on the export of spirituous liquors, and no drawback is to be allowed under any circumstances, if the spirit be not re-exported within a period of two months from the date of its import; nor is any drawback of the 3½ per cent. customs allowed on the export of spirituous liquors.

No drawback to be allowed on spirits which shall be below its import strength.

VIII. No drawback will be allowed on the export of any portion of a consignment, the proof of which shall be below its strength at the time of importation, which is to be ascertained by the custom-master on the import of the article.

IX. Spirituous

IX. Spirituous liquors imported from Europe or America on foreign bottoms, shall be subject to the payment of double the duties fixed by this Regulation.

Double duties to be levied on spirits imported from Europe or America on foreign bottoms.

X. The above levies shall be collected on the actual quantity imported, without any deduction on account of leakage.

To be collected on the actual quantity imported.

XI All spirits attempted to be illicitly imported will be seized, confiscated and sold for the benefit of the Company, one moiety of the amount of the sales will be paid to all informers, and the parties offending be sent to the senior magistrate of police, to be punished as the law directs.

Spirits illicitly imported to be confiscated and sold, how the proceeds to be disposed of.

A. D. 1815. REGULATION XII.

A REGULATION for extending the Circuit of the Court of Circuit to Fort Victoria and Malwan, and their Dependencies, for the trial of persons who may be apprehended by the Magistrates at those Stations, and committed to prison for that purpose :—Passed by the Right honourable the Governor in Council, on the 18th of October 1815; corresponding with the 15th of Aswin Sood, Sumbut or Vikramajet era 1871; Salbahan 1737; and 14th of Zilkad 1230 Hejry.

WHEREAS it is enacted by Section III, Regulation I, 1811, and by Section V, Regulation XI, 1814, that persons committed or held to bail by the residents at Fort Victoria and Malwan, are to be remanded to Tannah, to take their trial before the Court of Circuit: And whereas great expense and inconvenience are likely to be experienced by the parties, as well as by persons summoned as witnesses, on their removal so far from their homes, the Governor in Council is pleased to pass the following Enactment:

Preamble.

II. Those parts of Section III, Regulation I, 1811, and Section V, Regulation XI, 1814, which direct that persons committed for trial, or held to bail by the Residents at Fort Victoria and Malwan, shall be remanded to Tannah, to take their trial before the Court of Circuit, are rescinded.

Parts of Section III, Regulation I, 1811, and of Section V, Regulation XI, 1814, rescinded.

III. Persons committed to prison, or held to bail by the magistrates at Fort Victoria and Malwan, shall be detained at those places respectively, for trial by the Court of Circuit.

Persons committed to bail by the magistrates at Fort Victoria and Malwan, to be detained at those places for trial.

IV. The magistrates of Fort Victoria and Malwan, will forward to the court of circuit returns of prisoners committed for trial, and the judge of circuit will thereon proceed to Fort Victoria and Malwan, to deliver the jails at those stations respectively, either on the circuit of the 1st of January, or the 1st September, in each year, should there be any prisoners for trial, but not otherwise, and at both those periods, should the state of the jails at those stations require it.

The magistrates to forward returns of prisoners committed for trial to the court of circuit. Period of the delivery by the judges of circuit fixed.

A. D. 1815. REGULATION XIII.

A REGULATION for modifying some of the provisions at present in force for the collection of Customs on certain Articles of Commerce in the Territories immediately dependent on the Presidency of Bombay :—Passed by the Right honourable the Governor in Council, on the 18th of October 1815; corresponding with the 15th of Aswin Sood, Sumbut or Vikramajet era 1871; Salbahan 1737; and 14th of Zilkad 1230 Hejry.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the Staples and Marine Stores of Great Britain, that the Import Duties now payable at this Presidency on sundry articles should be abolished, provided that the articles be imported from Great Britain or Ireland on British registered ships, or Indian-built ships trading under the provisions of the 30th Section of the Act 53d Geo. III, cap. 155, and other subsequent acts; and that the Duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain or Ireland, should be modified: And whereas it has farther been deemed expedient to modify and alter the Duties now levied on Goods, being

Preamble.

the produce of the British Territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland, on British and Indian-built ships; and to make certain other alterations in the Regulations for the collection of the Customs; the following Rules have therefore been enacted, to be in force throughout the Territories immediately subject to the Presidency of Bombay.

IMPORTS:

All articles manufactured from wool or worsted thread, imported from the United Kingdom on British register ships, or Indian-built ships trading under legal authority, shall be exempt from duty.

II. Woollens, including cloths of sorts, blankets, hose, Guernsey shirts, caps, and generally all articles manufactured from wool, or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, on British register ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d Geo. III, cap. 155, and other acts containing similar provisions, shall be exempt from duty, any thing contained in any former Regulation to the contrary notwithstanding.

Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duty.

III. Copper, tin, iron, steel, lead, and all other metals in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding Section, shall also be exempt from duties.

Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempt from duty.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties, agreeably to the following enumeration thereof:

Anchors,	Nails copper,
Blocks of sorts,	Figure heads,
Boxes pump,	Pump hide,
Bunting of sorts,	Kintledge,
Masts and spars of all sorts,	Lanthorns,
Bells for ships,	Lines and twine,
Canvas of all sorts,	Scupper leather,
Copper rings,	Sail needles of sorts,
Mooring chains,	Spars of sorts,
Channel work for ships,	Tar and pitch,
Azimuth hanging and steering compasses,	Palm irons,
Cordage of all descriptions,	Hawse rollers,
Deals of sorts,	Rosin,
Capstern furniture,	Sheaves and pins of sorts,
Time and binnacle glasses,	Speaking trumpets of sorts,
Grappels,	Vitry,
	Varnish.

All other articles, except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of 2½ per cent.

V. *First*.—All articles, the produce or manufacture of the United Kingdom, not specified in the preceding Section (with the exception hereafter stated,) on importation at the Port of Bombay, or at subordinates, shall be charged with a duty of (2½,) two and a half per cent., to be adjusted according to the provisions established by Regulation VI. of 1799, or any other Regulation in force.

All articles the produce of foreign Europe, with the exception of wine and spirits, shall be subject to a duty of 5 per cent.

Second.—All articles, the produce or manufacture of Foreign Europe (with the exception of wines and spirits) on importation at the port of Bombay, or at subordinates, on British register ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d Geo. III, cap. 155, and other subsequent acts, shall be subject to a duty of five per cent.

Wine and spirits imported from the United Kingdom, shall continue subject to the existing Regulations.

Third.—Wines and spirits of every description imported from Great Britain or Ireland, shall however continue subject to the same rate of duty with which they are chargeable under Regulations VI. of 1799, I. of 1805, and any other existing Regulations.

The articles above specified, if imported otherwise than as described in Section II, shall be subject to the duties specified in the existing Regulations.

VI. It is to be clearly understood, that the articles specified in the preceding Sections, if imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties now in force under the existing Regulations.

The goods above enumerated, on which duties may

VII. If the established duties on goods, specified in the preceding Sections, shall have been paid at any port in the territories subject to the Company's Government

ment in India, no farther duty shall be levied upon their transit from port to port within the same territories. A regular certificate of such payment, under the signature of the principal officer of the Custom House at which such duties may have been levied, shall be furnished to the collector of customs, or other proper officer, at every port to which such goods may be brought after the first payment of duties.

have been paid at any other port in British India, shall not be liable to further duty on transits from port to port.

EXPORTS:

VIII. *First.*—Indigo, the produce and manufacture of the territories immediately dependent on the Presidency of Bombay, shall be allowed a drawback on exportation on British registered ships, or on Indian-built ships, trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d Geo. III, cap 155, and subsequent acts, equal to the whole amount of the duty payable under the existing Regulations.

Drawback to be allowed on indigo, the produce of the territories immediately dependent on Bombay, when exported to the United Kingdom.

Second.—Indigo, the produce and manufacture of the territories of any Native power, shall be allowed a drawback at the same rate only as that article the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on indigo the produce of the territories of any native power.

Third.—It is to be clearly understood, that the drawbacks mentioned in the two preceding clauses, are to be allowed only on indigo exported by sea to the United Kingdom of Great Britain and Ireland; and that no drawback will be allowed on the carriage of indigo to any foreign settlement in Asia.

Such drawbacks only allowed on indigo exported by sea to the United Kingdom.

IX. On cotton, wool, hemp and sunn, the produce of any part of India, a drawback of the whole amount of the duty shall be allowed on exportation to the United Kingdom of Great Britain and Ireland.

Drawback to be allowed on cotton, wool, hemp and sunn, on exportation to the United Kingdom.

X. On the exportation to the United Kingdom of all other articles, including sulphure, which are liable to duty under existing Regulations, such a drawback shall be allowed as may reduce the duty actually receivable by Government (2½) two and a half per cent., but no drawback shall be allowed in any instance, unless the application for drawback shall be made at the time when the goods are exported.

Rules as to drawbacks allowed on other articles on exportation to the United Kingdom.

XI. In modification of the rules in force within the Territories immediately dependent on this Presidency, and of those contained in Clause VIII, Section III, Regulation VI, of 1799; Clause V, Regulation I, of 1803; and Clause X, Regulation I, of 1805; it is hereby declared, that the whole amount of duties herein referred to, including the sea customs, and the inland or transit duty to be levied on cotton wool, both in its cleaned and uncleaned state, shall not exceed five (5) per cent. upon the value; under this modification, therefore, whenever the whole of those consolidated duties calculated on the fixed rates of valuation established at Broach, at Surat, and at Bombay, shall exceed a duty equal to five per cent. on the value, the latter rate only shall be levied, otherwise the duties are to continue to be charged conformably to the existing system.

Modification of Rules as to the levying the duty on cotton wool.

XII. With the above exceptions, it is hereby declared, that nothing contained in the present Regulation is to be construed to affect either the inland, transit, or sayer duties, payable within the territories subordinate to this Presidency, or the several provisions contained in Regulation VI. of 1799, and I. of 1805, or any established system which may not have yet been promulgated in a Regulation.

With the foregoing exceptions, this Regulation not to affect the inland transit or sayer duties.

XIII. *First.*—Nothing contained in this Regulation is intended to apply to the trade conducted on foreign bottoms; the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until the arrangements consequent on the treaties of peace shall have been completed.

This Regulation not applicable to trade on foreign bottoms.

Second.—Neither is any thing contained in the preceding clauses intended to apply to deposits made previously to the date of this Regulation, for the payment of duties on goods imported, the accounts of which have not yet been adjusted. All deposits made previous to the date of the present Regulation, shall be adjusted according to the existing rate of duties.

Nor to deposits already made for payment of duties.

A. D. 1815. REGULATION XIV.

A REGULATION for levying a Stamp Duty on certain Law and other Papers and Documents, under the Presidency of Bombay, and in the territories subordinate thereto :—Passed by the Right honourable the Governor in Council, on the 22d of November 1815; corresponding with the 6th of Kartick Vud Sumbut, or Vickramajet era 1872; Salbahan 1737; and the 20th of Zilhuya 1230 of the Hijree.

Preamble.

WHEREAS considerable delays and inconvenience have been experienced by the different courts of judicature, in collecting, and bringing to account, the prescribed fees on the institution of suits, and on exhibits, and summonses for witnesses : And whereas it will tend to the dispatch of business, to commute such fees, for a duty to be levied by means of stamps : And whereas it is expedient to extend the same principle of improving the public revenues to bonds, deeds of conveyance, and other instruments executed by individuals; and also to certain petitions preferred to the magistrates, in order to discourage the numerous petty complaints preferred or brought before them, from improper motives, an inquiry into which not only occupies a large proportion of their time, but is often the occasion of considerable expense and vexation to the parties complained against; the following Rules have been enacted, and are to be considered in force from the 1st of March 1816.

A general stamp office to be established at the Presidency, under a covenanted servant, who shall be designated the Superintendent of stamps.

II. A general stamp office shall be established at the Presidency, under the superintendence of a civil covenanted servant of the honourable Company, to be designated the superintendent of stamps; and all papers or other materials intended for any of the purposes hereinafter mentioned, shall be stamped at his office, and counterstamped at the general treasury of Government.

The Superintendent of stamps to be subordinate to the Governor in Council, and to take an oath, as prescribed in Appendix, No 1, of the

III. The superintendent of stamps shall be subordinate to the Governor in Council, and, previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the Appendix, (Form No. 1,) before the Government.

He shall prepare and transmit stamps to the different officers.

IV. The superintendent shall prepare and transmit to the different officers, entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

What account of stamps to be kept by him.

V. The superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sum brought to credit in the several districts, and of the quantity of stamps remaining in store; and he shall prepare and submit to the Governor in Council such periodical reports and statements as they may require.

No stamp to be valid or issued from the stamp office until it shall have received the prescribed counter-stamp at the general treasury.

VI. No stamp shall be valid, or be issued from the Stamp Office, until the paper, parchment, or other material on which the stamp has been impressed, shall have received the prescribed counter-stamp at the general treasury.

The sub-treasurer to keep an account of the stamps which may be counter-stamped by him, and to transmit it to the Governor in Council

VII. The sub-treasurer shall keep an account of the quantity and value of the stamps, which may be counter-stamped by him; which account shall be transmitted to the Governor in Council at the close of each official year, in order that it may be compared with the accounts of the superintendent.

Only one set of dies applicable to every purpose for which stamps are required by the present Regulation to be used.

VIII. One set of dies applicable to every purpose for which stamps are required by this Regulation, shall hereafter be used in the General Stamp Office, bearing inscriptions in the English, Persian, Guzeratta and Marhatta characters, as follows :

One anna,	Fifty rupees,
Two annas,	One hundred rupees,
Four annas,	One hundred and fifty rupees,
Eight annas,	Two hundred and fifty rupees,
One rupee,	Three hundred and fifty rupees,
Two rupees,	Five hundred rupees,
Four rupees,	Seven hundred and fifty rupees,
Eight rupees,	One thousand rupees,
Sixteen rupees.	Two thousand rupees.
Thirty-two rupees,	

IX. The above stamps shall in ordinary cases be impressed on paper of the manufacture of the country, and it shall be the duty of the Governor in Council to regulate the sizes of such paper, in such manner as may be best adapted to the convenience of the community, without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation; provided that the superintendent shall always keep in deposit a sufficient supply of the leaf of the taur tree (taur puttah) duly stamped for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper: provided likewise, that if any person shall be desirous of having any instrument executed on vellum, parchment or any other material, instead of paper, or taur puttah, he shall be entitled to have the same stamped, supposing it to correspond nearly with the regulated size of stamped paper, on paying the established duty. Bonds, deeds of conveyance, and other instruments, executed on any material of the above description, will accordingly be receivable, if duly stamped, in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper according to the ordinary practice of the stamp office.

In ordinary cases, the stamp to be impressed on paper of the manufacture of the country, and the Governor in Council to regulate the sizes of the paper.

Taur puttah to be used in certain districts.

Persons desirous of having instruments executed on vellum, parchment, or other material, entitled to have the same stamped, on paying the established duty.

Bonds, deeds, and other instruments, executed on such material, if duly stamped,

ed, will be received in evidence in the courts of judicature.

X. With the view of preventing as far as possible the forgery of the stamped paper, it shall be the duty of the superintendent of stamps, or such officer or officers acting under his authority, as may be nominated for that purpose by Government, to indorse his written official signature on the back of each piece of stamped paper or other material.

To prevent forgery, the Superintendent, or other officers acting under his authority, to indorse his written official signature on the back of

each piece of stamped paper or other material.

XI. It shall be the duty of the mint master at Bombay to cause the dies, on the order of the Governor in Council, and in conformity to such instructions as they may offer, to be engraved at the mint.

Dies to be prepared at the mint of Bombay.

XII. The size or shape of the dies shall be changed as often as the Governor in Council may deem necessary, with the view of detecting or preventing forgeries: Provided, however, that nothing herein contained, shall be construed to authorize any alteration in the prescribed impression of the dies, except by a Regulation passed and promulgated in the manner directed by Regulation I, A. D. 1799.

Size and shape of the dies may be changed as often as the Governor in Council may deem it necessary; prescribed impression not to be altered.

XIII. From and after the period fixed for the operation of this Regulation, any bond, promissory note, or other obligation, for the payment of a specific sum of money, any deed of gift, sale, devise, or other transfer of property, real or personal, any leases (excepting as excepted in Section XXIV.) any mortgage, or other limited assignment of immovable property, which may be executed upon paper, or other material, not bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received, or filed in any court of judicature; provided, however, that if any person shall inadvertently have taken any such bond or other instrument on paper, or any other material, not bearing the prescribed stamp, and shall present the same to any collector of the land revenue, within sixty days from the execution of it, with a penalty equal to ten times the amount of the stamp duty, which would have been payable on such bond, or other instrument, in the first instance, if it had been prepared on paper, or other material bearing the prescribed stamp, it shall be transmitted by the collector to the superintendent of the stamp office, for the purpose of being duly stamped: Provided also, that if any bond, or other instrument, required to be written on stamped paper, shall be produced in a court of judicature, having a stamp or signature, apparently forged, the judge or other officer, before whom the document may be exhibited, shall make the necessary inquiry, previously to admitting the said instrument in evidence, to satisfy himself, whether the paper, or other material on which it was written, was purchased at either of the regular places established for the vend of stamps. If it shall appear that the paper, or other material, was so purchased, (the proof of which must of course rest with the person producing it) and that it bear a stamp, and signature resembling those prescribed by this Regulation, it shall be admitted, notwithstanding any doubts which may exist of its authenticity; but in the contrary case, that is, supposing the judge or other officer to be satisfied that the stamped paper upon which the bond or other instrument produced may be written, was not purchased from any of the authorized venders, or, if so purchased, that the party producing it was privy to the forgery, the bond or other instrument in question shall be rejected as inadmissible in evidence.

Bonds or other instruments not written on paper bearing the prescribed stamp, not to be admitted in evidence, or received in any court of judicature.

Provide.

What steps should be taken as to bonds or instruments having stamps or signatures apparently forged.

An office to be established in each district for the sale and distribution of stamps, under the superintendence of the collectors of the

XIV. An office for the sale and distribution of stamps, shall be established in each district, under the superintendence and responsibility of the collectors of the land revenue, who shall receive a commission of five per cent. on the gross produce derived from the sale and distribution of stamps, in such district.

The collectors to indent upon the superintendent of the general stamp office for such quantities of

XV. The collectors shall indent upon, and grant receipts, in duplicate, to the superintendent of the general stamp office, for such quantities of stamps as may be required by them for the supply of their respective districts.

A darogah of stamps to be appointed at each of the stations of the collectors, who shall be paid either by salary or commission.

XVI. A darogah of stamps shall be appointed, at each of the stations of the collectors and assistant collectors, who shall be paid by commission, or by salary, or partly commission and salary, as the Governor in Council may deem most advisable.

Duty of the darogah of stamps.

XVII. It shall be the duty of the darogah of stamps to count and examine the stamped paper received from the stamp office, and to countersign the receipts granted by the collector.

Licensed venders of stamped paper to be established in certain places, who shall be paid either salary or commission, and to be at all times adequately supplied with the requisite quantities.

XVIII. Licensed venders of stamped paper shall be established in every pergunnah, or at such places as the Governor in Council may determine, who shall be paid by salary or commission, or partly by salary and commission, as Government may direct. It shall be the duty of the collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stamped paper. In like manner, it shall be the duty of the superintendent of stamps, at all times to satisfy himself, that no obstacles occur to the discharge of the public duties, from any delay or difficulty in procuring stamped paper required for the conduct of the affairs of individuals.

Stamp darogahs, and persons authorized to retail stamps, to execute certain engagements, and to receive certain funnuds.

XIX. Every stamp darogah, and every person authorized to retail stamps, shall give security to the collector for the due performance of an engagement, to be executed by him agreeably to the Forms prescribed in the Appendix, Nos. 2 and 3, and shall receive a sunnud, prepared agreeably to the Forms Nos. 4 and 5.

What accounts to be kept by the stamp darogah.

XX. The stamp darogah shall keep an account of the quantity, and value of stamps, supplied by him to the different venders, and every vender shall keep a day book, exhibiting the stamps sold by him, which day-book shall be transmitted to the zillah stamp office at the end of each month; and every vender shall on receiving a supply of stamped paper for sale from the stamp darogah, grant a receipt for it; he shall, at the same time, carefully examine the stamped paper entrusted to his charge, to satisfy himself that it bears the Government stamp, which he must certify on the receipt granted to the stamp darogah.

The collectors to transmit to the general stamp office such accounts as may be required by the superintendent.

XXI. The collectors shall transmit to the general stamp office, such accounts as the superintendent may require, with the consent and approbation of the Governor in Council.

No other person to sell stamps excepting those authorized by the present Regulation, under pain of prosecution and punishment.

XXII. No person, excepting the superintendent of stamps, the collectors of the land revenue, or other European officers, invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders, shall be deemed competent to sell stamps; and any other person who may sell stamps, in opposition to this prohibition, shall be liable to be prosecuted for such act, before the magistrates, and punished, on conviction, to the full extent of the powers vested in the magistrates by the general Regulations.

What instruments to be written on stamped paper, and how the value is to be regulated.

XXIII. From and after the date specified in the preamble to this Regulation, every bond, promissory note, or other obligation for the payment of a specific sum of money, every deed of gift, sale, devise, or other transfer of property, real or personal, every lease (except as provided for in the following Section) every mortgage or other limited assignment of immoveable property which may be executed within the provinces subject to the presidency of Bombay, shall be written on paper, (or some other material) impressed with the Government stamp; the value of which stamp shall be regulated as follows:

TABLE.

1. IF the Bond or other instrument shall be for a sum not exceeding sixteen rupees, or if the value of the property transferred, or otherwise affected by it, shall not exceed sixteen rupees, the deed shall be executed on stamped paper of the value of one anna. Rate of stamp duties.

2. If above 16 rupees, and not exceeding 64 rupees—two annas.

3. If above 64 rupees, and not exceeding 125 rupees—four annas.

4. If above 125 rupees, and not exceeding 250 rupees—eight annas.

5. If above 250 rupees, and not exceeding 500 rupees—one rupee.

6. If above 500 rupees, and not exceeding 1,000 rupees—two rupees.

7. If above 1,000 rupees, and not exceeding 2,000 rupees—four rupees.

8. If above 2,000 rupees, and not exceeding 5,000 rupees—eight rupees.

9. If above 5,000 rupees, and not exceeding 10,000 rupees—sixteen rupees.

10. If above 10,000 rupees, and not exceeding 20,000 rupees—thirty rupees.

11. If above 20,000 rupees, and not exceeding 50,000 rupees—fifty rupees.

12. If above 50,000 rupees, and not exceeding 100,000 rupees—one hundred rupees.

13. If above 100,000 rupees—one hundred and fifty rupees.

XXIV. To prevent misconception, it is hereby declared that every lease and its counterpart, (pottah and caboolyet,) or other engagement contracted between landlord and tenant, every receipt (dakclah) or other acknowledgment for the payment of rent, is required to be written on paper bearing the prescribed stamp; supposing that such lease, receipt, or other instrument, relate to lands held exempt from the payment of revenue to Government; but that instruments of the correspondent descriptions which have relation to lands subject to the payment of revenue to Government, need not be written on stamped paper.

All pottahs and caboolyets, or other instruments relative to lands, held exempt from the payment of revenue to government, to be written on stamped paper; but such instruments relative to lands, subject to the payment of revenue to Government, need not be written on stamped paper.

XXV. From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions, on summonses and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof:

Fees hitherto paid on the institution of civil actions, on summonses, and on exhibits, to be discontinued, and a stamp duty to be levied in lieu thereof.

continued, and a stamp duty to be levied in lieu thereof.

TABLE.

IN suits instituted in any court of judicature, and in appeals preferred from the judgments of any such court to a superior court, if the amount or value of the property claimed shall not exceed sixteen rupees, the plaint or petition shall be written on paper of one rupee.

If above 16 rupees, and not exceeding 32 rupees—two rupees.

If above 32 rupees, and not exceeding 64 rupees—four rupees.

If above 64 rupees, and not exceeding 150 rupees—eight rupees.

If above 150 rupees, and not exceeding 300 rupees—sixteen rupees.

If above 300 rupees, and not exceeding 800 rupees—thirty two rupees.

If above 800 rupees, and not exceeding 1,600 rupees—fifty rupees.

If above 1,600 rupees, and not exceeding 3,000 rupees—one hundred rupees.

If above 3,000 rupees, and not exceeding 5,000 rupees—one hundred and fifty rupees.

If above 5,000 rupees, and not exceeding 10,000 rupees—two hundred and fifty rupees.

If above 10,000 rupees, and not exceeding 15,000 rupees—three hundred and fifty rupees.

If above 15,000 rupees, and not exceeding 25,000 rupees—five hundred rupees.

If above 25,000 rupees, and not exceeding 50,000 rupees—seven hundred and fifty rupees.

If above 50,000 rupees, and not exceeding 100,000 rupees—one thousand rupees.

If above 100,000 rupees—two thousand rupees.

XXVI. In suits for land paying revenue to Government, the value of the property shall be assumed at the amount of the annual jumma payable on account of the land to Government.

In suits for land paying revenue to Government, the value of the property how to be assumed.

XXVII. In

In suits for land held exempt from the payment of revenue to Government, the value of the property how to be assumed.

XXVII. In suits for land held exempt from payment of public revenue to Government, the value of the property shall be assumed throughout the country at ten times the amount of the computed annual produce of the land.

In suits for houses, gardens, or other property, and in actions for the recovery of damages in matters relating to marriages, &c. the value how to be estimated.

XXVIII. In suits for houses, gardens, tanks, or other property, real or personal, (excepting the two descriptions of land mentioned in the two preceding Sections,) and in actions for the recovery of damages in matters relating to marriage, cast, or any personal injury, the value shall be estimated according to the rule contained in Section 3d, Regulation IV, 1799, and Section 3d, Regulation II, 1800.

Registers and native commissioners entitled to receive the fees incorporated with the stamp duty, under 25th Section of the present Regulation.

XXIX. It is not intended by the provisions of this Regulation to deprive the registers of the zillah and city courts or their assistants, or the native commissioners, of the established proportion of the fees hitherto received on suits which may be instituted in the zillah and city courts and referred to them for decision; but as those are incorporated under Section XXV. of the present Regulation with the stamp-duty payable on the plaint or petition, it shall be the duty of the zillah and the city judges to cause accounts of the proportion of the fees receivable by the registers and native commissioners under the existing rules, to be prepared at the expiration of every month, and to attest the same with their seals and official signatures. The amount so authenticated, shall be deemed a sufficient warrant to the collectors for the payment of the amount receivable on the above account, by the registers, their assistants and native commissioners.

No exhibits to be filed without a derkhaut or application, praying its admission, written on stamped paper of a prescribed value.

XXX. *First.*—No exhibits shall be filed in any court without a derkhaut, or application praying the admission of the exhibit; which derkhaut shall be written on stamped paper, as follows:

In the court of the register, assistant register, and native commissioners, on paper of the value of eight annas.

In the zillah and city courts, on paper of the value of one rupee.

In the provincial court of appeal, and in the sudder adawlut, on paper of the value of two rupees.

Second.—In lieu of filing a separate application for each exhibit, it shall be sufficient to file one or more applications, or lists including any number of exhibits, provided that such applications or lists be written on one or more rolls of stamped paper, the value of which shall correspond in amount with the total value of the several Stamps which would have been required for each exhibit separately.

No summons to be issued for attendance of witnesses, except on stamped paper of the value specified in the preceding Section.

XXXI. *First.*—In like manner no summons shall be issued for the attendance of any witness, without a derkhaut praying the attendance of such person; which derkhaut shall be written on stamped paper of the value specified in the preceding Section, according to the court in which it may be delivered and recorded.

Second.—The principle of clause second of the preceding Section is applicable to lists of several witnesses required to be summoned.

Miscellaneous petitions, and applications of certain descriptions in the revenue and judicial departments, to be written on stamped paper of a specified value.

XXXII. All miscellaneous petitions and applications which may be presented to the different authorities in the Revenue and Judicial departments, all inoektearnamahs, wakalutnamahs, and all charges preferred to the magistrates for adultery, fornications, rape, calumny, abusive language, slight trespasses, or inconsiderable offences, (excepting always cases of mayhem, actual affrays, and tumultuary assemblies of the people,) shall be written on stamped paper, as follows:

If preferred to a collector or assistant collector of the land revenue or customs, to a zillah or city judge, or magistrate, or to any other authority subordinate to the provincial court, on paper of eight annas.

If preferred to the provincial court of appeal or circuit, on paper of one rupee.

If preferred to the court of sudder adawlut, or superior tribunal, or to the Governor in Council, on paper of two rupees.

Every answer, reply, and rejoinder, every supplement, razeenamah, or petition, to be written on stamped paper of a certain value.

XXXIII. *First.*—Every answer, reply, and rejoinder, every supplement, razeenamah, or petition, which may be hereafter filed in any suit, shall be written on stamped paper, as follows:

In the court of the register, and the assistant to the register, on paper of the value of eight annas.

In the zillah and city courts, on paper of the value of one rupee.

In the provincial court of appeal, and in the sudder adawlut, on paper of the value of four rupees.

Second.—The answer, reply, and rejoinder, in the courts of the native commissioners, are not required to be on stamp paper.

XXXIV. *First.*—All pleadings and petitions, all deeds, documents and other papers, whether originals or copies, which are required by this Regulation to be written on stamp paper, are to be written, as they have been hitherto usually prepared, with regard to the size of the writing, the space between the words, and the number of lines in each page.

Documents required to be written on stamp paper to be prepared in regard to the size of the writing and otherwise, as heretofore.

Second.—If the subject matter of any pleading cannot, under the rule contained in the preceding clause, be conveniently comprised in a single sheet or roll of the stamp paper prescribed for such pleading, any additional sheets, or rolls, which may be required for that purpose, shall be of the description of stamp paper specified in the Section XXXIII. of this Regulation; and any party filing any such pleading not prepared in conformity with the foregoing provisions of this Section shall be punished by fine, at the discretion of the court, not exceeding three times the amount of the additional stamp paper which would have been required if the pleading had been drawn up according to the prescribed rules.

Provisions made for additional sheets or rolls may be used, and of what description.

Third.—In like manner, any additional sheets or rolls, required to complete any miscellaneous petition or other paper specified in Section XXXII, which cannot, under the rule contained in clause first of this Section, be conveniently comprised in one sheet or roll, shall be of the value and description specified in the said Section XXXII. of this Regulation, under penalty of a fine within the limitations prescribed in the preceding clause.

And also in respect to miscellaneous petitions or other papers.

Fourth.—If, during the trial of any regular suit, it shall appear that the plaint has been written on stamp paper of a less value than that which ought to have been used under the provisions of Section XXV, XXVI, and XXVII, of this Regulation, and the court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the provisions of the Regulations, it shall be competent to the court either to permit or to direct the plaintiff or appellant in the suit to file a duplicate of the plaint on stamp paper of such value as may be sufficient to complete the full amount of the stamp duty prescribed by the Sections above-mentioned.

Discretion to be exercised by the court if the plaint be written on paper of less value than prescribed by the Regulations.

XXXV. *First.*—No copy, which may be hereafter made of any paper of the following descriptions, shall be authenticated by any public officer, or received as evidence in any court of judicature, unless transcribed on stamp paper, according to the following rates:

No copy of any paper to be authenticated by any public officer, or received in evidence, unless transcribed on stamp paper according to the rates specified in this Section.

Copies of decrees passed by registers, assistant registers, and by judges of the city and zillah courts, shall be written on paper of the value of one rupee.

Copies of decrees passed by the court of appeal, on paper of two rupees.

Copies of decrees passed by the court of sudder dewanny adawlut, shall be written on paper of four rupees.

Authenticated copies of revenue and judicial proceedings, authenticated copies of accounts, statements, reports, or other documents, which individuals may require for use or reference, shall be written on paper of the value of eight annas.

Second.—But copies of decrees which may be prepared by the courts, to remain with their records, shall be written on unstamped paper, of the same size and description with that which is stamp for the copies thereof, delivered or tendered to the parties.

On what paper copies of decrees for record are to be written.

Third.—Copies also of proceedings or orders, accounts, statements, or other papers, made for records of court or for transmission to other courts or public offices, may be written, as heretofore, on unstamped paper, except in cases in which it may be otherwise specifically provided for in this Regulation.

Copies of papers made for records or official use, not required to be written on stamp paper.

Fourth.—It is not intended to preclude individuals from making, for their own use and at their own expense, copies of judicial or revenue papers, with the permission of the court, or of the collector or other public officer having charge thereof, upon common paper; but copies so made on unstamped paper shall not be authenticated by any public officer, nor admitted in evidence in any public office whatsoever.

Copies which individuals may be authorized to make for their own use need not be written on stamp paper, but shall not be authenticated by any seal or signature.

Fifth.—Copies of decrees delivered by native commissioners to parties, are not to be written on stamp paper.

Sixth.—But petitions presented to a zillah judge, to obtain the enforcement of a decree of any native commissioner, shall be written on stamp paper of the value prescribed in Section XXXII. of this Regulation.

Rules regarding the stamp paper on which copies of certain documents are required to be written.

XXXVI. All authenticated copies of the documents specified in Section XXIII. of this Regulation, which may be prepared as legal vouchers by a cazee, mooftee, or other authorized person, shall be written on stamp paper, according to the rates prescribed for the originals of such deeds: any copies not written on such paper will not be admissible in evidence, under Section XIII. of this Regulation.

Security bonds, and other deeds not relating to any specific sum of money or any specific value due, to be written on stamp paper of the value of one rupee.

XXXVII. In explanation of Section XXIII. of this Regulation, it is hereby declared, that security bonds for appearance (hazercaminee), security bonds for the payment of eventual costs of suit, as well as all other security bonds, not being for a specific amount so as to make it practicable to apply to them the table of rates stated in Section XXIII. of this Regulation, are required to be written on stamp paper of the value of one rupee, under the penalty declared in Section XIII. of this Regulation.

Explanation of certain provisions in this Regulation.

XXXVIII. *First.*—It is hereby explained, that Sections XXV, XXVI, XXVII, XXVIII, XXX, XXXI, and XXXIII, of this Regulation, are meant to apply only to original regular suits, and to appeals, regular or special, from judgments passed on the merits of such suits; and not to summary suits, or to summary appeals, or to miscellaneous petitions or applications of any description.

On what stamp paper pleadings in summary suits and in miscellaneous applications are to be written.

Second.—In all original summary suits and summary appeals, authorized by the Regulations, and in all miscellaneous applications, the plaint, petition or application, the answer and other pleadings, shall be written on the stamp paper prescribed in Section XXXII. of this Regulation.

Third.—The provisions of Section XXX. of this Regulation are not intended to apply to exhibits accompanying, or referring to, any miscellaneous petition or application, which were formerly, under Section IV, Regulation VIII, A. D. 1802, not liable to the payment of a fee on such exhibits being filed.

Certain applications made from revenue officers, may be written and filed in the courts on unstamped paper.

XXXIX. All applications made by the collectors or assistant collectors to the courts of judicature, for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule, however, shall not be considered applicable to any regular suit, in which Government, a collector or an assistant collector, may be a party, either on their own account as individuals or on the part of Government.

Wakalutnamahs and certain other documents declared to be not liable to the stamp duty on exhibits.

XL. It is hereby explained, that wakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree, which may be executed in any original suit or appeal, are not liable to the stamp-duty on exhibits prescribed by Section XXX. of this Regulation.

Exception in favour of deeds executed in a foreign jurisdiction.

XLI. The British courts of judicature being open to all descriptions of persons, it is necessary to explain, that nothing hereinbefore declared, in regard to stamped papers, shall prevent the courts from receiving and filing bonds, deeds, or other instruments enumerated in Sections XIII and XXIII, although they may be written upon unstamped paper or other material; provided that the same were executed beyond the limits of the honourable Company's territories; and provided also, that one of the parties thereto, at the least, is not a subject of the British Government, or, both parties being subjects, that the bond or other obligation arose *bonâ fide* out of a transaction originating and completed within a foreign jurisdiction, where stamped paper was not to be procured; and that it was not so executed collusively, with intent to defraud the revenue: the proof of all which conditions must of course rest with the holder of such instrument.

Proviso.

APPENDIX.

No. 1.

OATH.

“ I, *A. B.*, appointed Superintendent of the Stamps, solemnly Swear, That I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment : and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from, or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor in Council.

“ So help me GOD.”

No. 2.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Darogah.

“ I, *A. B.*, appointed by the collector of _____ to be Stamp Darogah, do hereby engage to perform the duties attached to the office of Stamp Darogah. I will carefully count and examine the stamps transmitted from the General Stamp Office, and attest the receipts executed by the collector for the same, and likewise prepare the indents for the supplies of stamps which may be required from the superintendent.

“ I will cause the different stamp-venders established in the district to be supplied, in pursuance of such instructions as I may receive from the collector, with proper quantities of stamp paper, and I will carefully examine and compare the accounts of such stamp venders.

“ I will be responsible for the accounts of the Stamp Office, and for the value of the paper entrusted to my charge ; and I will do every thing in my power to prevent imposition and fraud in the Stamp Office, and will submit to the Collector any information which I may obtain respecting the forgery or fabrication of stamps.

“ Executed before me, this

day of

(Signed)

“ C. D.”

No. 3.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Vender.

“ I, *A. B.*, appointed to vend Stamps at _____ in the Pergunnah _____ of _____ in the district of _____ do hereby engage faithfully to observe the following Conditions :

“ 1st. That I will carefully examine every stamp paper which may be entrusted to me for sale, and certify in my receipts for the same, that such paper bears the stamp of Government, and the signature of the superintendent or his assistant.

“ 2d. That I will not charge more for any stamp or stamps entrusted to me for sale, than the established price for such stamp or stamps.

“ 3d. That I will monthly prepare and deliver to such persons as may be authorized to receive the same, a faithful account of all the stamp paper which may be sold by me, and will likewise specify the balance which may remain in store under my charge, and will on no account allow any person to take stamp paper away, without receiving and bringing to account the price of such stamp paper.

“ Executed before me, this

day of

(Signed)

“ C. D. Collector.”

No. 4.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Darogah.

(L. S.)

“ Whereas *A. B.* has executed the engagement prescribed by Section to be entered into by persons appointed to the office of Stamp Darogah, *I, C. D.,* collector of do hereby constitute and appoint the said *A. B.* to be Darogah of the Zillah Stamp Office under my charge.

“ Given under my hand and seal, this day of
(Signed) “ *C. D. Collector.*”

No. 5.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Vender.

(L. S.)

“ Whereas *A. B.* has duly executed the engagement required by Section to be executed by persons authorized to sell Stamps, *I, C. D.,* Collector of do hereby authorize the said *A. B.* to be a Stamp Vender, and to open an office for the sale of stamps at in the pergunnah of in the district under my charge.

“ Given under my hand and seal, this day of
(Signed) “ *C. D. Collector.*”

RULE ORDINANCE AND REGULATION I, of 1815.

A RULE ORDINANCE and REGULATION, for vesting in His Majesty's Justices of the Peace a general Controul over the sale of Toddy and all other fermented or intoxicating Liquors throughout the Island of Bombay :— Passed in Council the 8th day of March 1815, and registered in the Court of the Recorder of Bombay on the 4th day of July following.

Preamble.

WHEREAS by Rule Ordinance and Regulation II, 1812, a controul over the sale of Arrack and other Spirituous Liquors is vested in His Majesty's Justices of the Peace throughout the Island of Bombay : And whereas, in order to prevent as much as possible the inordinate use of other intoxicating liquors which are highly prejudicial to the health and morals of the people and to the peace and good order of society, it is deemed expedient to extend that authority, and to subject the sale of toddy and all other fermented or intoxicating liquors in like manner to the controul of His Majesty's Justices of the Peace throughout the Island : Be it therefore ordained, by the authority of the Right honourable the Governor in Council now assembled, That from and after the due registry and publication of this Rule Ordinance and Regulation in the Honourable Court of the Recorder of Bombay, each and every one of the eight Articles of Rule Ordinance and Regulation II. of 1812, appertaining to the vend of spirituous liquors, shall also in like manner be held applicable to the retail of toddy and all other fermented or intoxicating liquors, and as such shall have the full force of law within this Island.

His Majesty's Justices of the Peace vested with a general controul over the sale of toddy, and all other fermented or intoxicating liquors, throughout the island.

Rule Ordinance and Regulation II, 1812, made applicable to the retail of toddy, &c.

No fee to be charged on the licenses to the bhandaries.

II. No fee is, however, to be charged on the issue of licenses to the bhandaries or toddy-drawers under this Regulation.

RULE ORDINANCE AND REGULATION II, 1815.

A RULE ORDINANCE and REGULATION, for widening the Wheels of Hackeries and other Native Conveyances:—Passed in Council, on the 7th day of June 1815, and registered in the Court of the Recorder of Bombay on the 20th day of July 1815.

WHEREAS the public roads of the Town and Island of Bombay are much prejudiced by the narrowness of the wheels of Carts, Hackeries, and other conveyances; for remedy whereof, Be it ordained by the authority of the Right honourable the Governor in Council now assembled, That from and after the first day of May 1816. the sole or bottom of the fellics of all carts, hackeries and other native conveyances, by whatsoever name or names the same now are or shall or may be called, and which at any time shall be used for the purpose of carrying heavy loads, or goods, wares and merchandizes, or for other purposes of trade or labour, and also all carts or hackeries or other native conveyances, by whatsoever name or names the same now are or shall be called, and which shall be used for pleasure, and shall be drawn by one or more horse or horses without springs, shall be three inches in breadth. Preamble.

ARTICLE II.

That the sole or bottom of the fellics of all carts, hackeries and other native conveyances, without springs and which shall be drawn by bullocks, or which having springs shall be drawn by one or more horse or horses, shall be two inches in breadth. Sole or bottom of the fellics of all carts, hackeries and other native conveyances, to be two inches in breadth.

ARTICLE III.

And for the better discovery of offenders against this present Rule Ordinance and Regulation, it is hereby ordained, That all and every owner or owners of any cart, hackery or other native conveyance, are and is hereby required to apply to the assessor for the time being for the number of his or their cart, hackery or native conveyance, and thereupon the said assessor shall and he is hereby authorized and required, upon payment of one quarter of a rupee for each number, and as often as the same shall be applied for, to grant such number thereof and to mark the same upon such cart, hackery or native conveyance, accordingly. All such conveyances to be numbered.
Fee for obtaining the same.

ARTICLE IV.

And it is hereby ordained, That from and after the first day of May 1816 no person or persons shall presume to drive or otherwise use any cart, hackery or other native conveyances, with wheels of a less breadth than those hereinbefore specified, or without being numbered as hereinbefore directed, upon pain to forfeit for every such offence the sum of rupees fifty, one moiety of which shall be given to the informer, and the other moiety shall be applied to the repair and preservation of the public roads of the island. Period from which the same is to commence.
Penalty for breach of the Regulation.

ARTICLE V.

And be it further ordained, That the offences against this Rule Ordinance and Regulation, or any thing therein contained, shall be heard and determined in a summary way by the Court of Petty Sessions, upon the oath of one or more credible witnesses, the party accused being summoned to make defence, or upon confession of the party offending. Offences to be tried by the Petty Sessions.

ARTICLE VI.

And be it further ordained, That all penalties and forfeitures by this Rule Ordinance and Regulation imposed, shall be levied by distress and sale of the goods and chattels of the offender, or persons liable or ordered to pay the same by warrant or authority of the Court of Petty Sessions. Penalties and forfeitures how to be levied.

ARTICLE VII.

Numbers to be renewed annually.

And be it further ordained; That this Rule Ordinance and Regulation shall commence and take effect upon the first day of May one thousand eight hundred and sixteen, and that the number for each and every such cart, hackery or other native conveyance, so required to be registered as aforesaid, shall be renewed at the expiration of each and every twelve calendar months from the first day of May one thousand eight hundred and sixteen.

RULE ORDINANCE AND REGULATION III, 1815.

A RULE ORDINANCE and REGULATION, for enlarging, explaining and amending Rule Ordinance and Regulation I, and Rule Ordinance and Regulation III, of 1812:—The former passed by the Honourable the Governor in Council, on the 25th March 1812, and registered in the Court of the Honourable the Recorder on the 20th of May following; and the latter passed by the Honourable the Governor in Council, on the 4th of November 1812, and registered in the same Court on the 26th day of December next ensuing; and for other beneficial purposes passed by the Right honourable the Governor in Council, on the 5th of July 1815, and duly published and registered in the Court of the Recorder of Bombay on the 15th day of August 1815.

Preamble.

WHEREAS it is expedient that the above Rules, Ordinances and Regulations, so passed as aforesaid, should be further enlarged, explained and amended, and that further powers should be given to the Court of Petty Sessions: Now, Be it therefore ordained by the authority of the Right honourable the Governor in Council now assembled, That from and after the due registry and publication of this Rule Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule Ordinance and Regulation, consisting of the Articles hereinafter stated, shall have the full force of law within this Island, and shall be strictly obeyed as such by all His Majesty's subjects inhabiting the same.

ARTICLE I.

Extension of the breadth of streets prescribed by Rule, Ordinance and Regulation III, 1812.

And whereas by the Article I. of the said Rule Ordinance and Regulation the Third, 1812, so intended to be hereby enlarged, explained and amended as aforesaid, it is ordained that the main street through the bazar should be enlarged to the breadth of 40 feet from house to house, that Moodey's-street should be enlarged to the breadth of 35 feet, that Boras-street should be enlarged to 25 feet, and all cross streets within the fort should be of the breadth of 16 feet: And whereas such Article is not sufficiently comprehensive and explicit, Now, Be it ordained, That Church-street shall be enlarged to 45 feet; that the following streets and lanes, viz. Apollo-street, Marine-street, Bazar-Gate-street, and Barrack-street, shall be enlarged to 40 feet; that the following street and lane, viz. Moody-street and Church-lane, shall be enlarged to 35 feet; that the following streets, viz. Forbes-street, Meadows-street and Military-street, shall be enlarged to 30 feet; that the following streets and lanes, viz. Hummum-street, Dean-lane, Tamarind-lane, and Boras-street, shall be enlarged to 25 feet; that the following streets and lanes, viz. Bruces-lane, Byramjee, Hormusjee's-lane, Bakehouse-lane, Golah-lane, Oak-lane, Bellis-lane, Musseed-lane, Rutter-field-street, Military-lane, and Nanabhoy Bomanjee's-lane, shall be enlarged to twenty feet, and all other cross streets and lanes shall be extended to sixteen feet.

ARTICLE II.

Penalty for the non-observance of the rules prescribed for persons desirous of building or repairing previously to their commencement.

And whereas by the tenth and eleventh Articles of the said Third Rule Ordinance and Regulation, it is specially ordained, that all persons desirous of building, repairing or altering any house or tenement, or the boundaries of any ground within the Island of Bombay, are to prefer their applications to the Court of Petty Sessions; and further, that no person shall take down or remove any wall or foundation contiguous or adjoining to any of the main roads or streets throughout the Island of

Bombay,

Bombay, for the purpose of rebuilding the same, or for any other purpose, without an application to the Court of Petty Sessions, communicated to the engineer acting under their orders, and sanctioned by the collector and the said engineer, and finally confirmed by the said Court, in manner more particularly mentioned in the said Article: And whereas, notwithstanding such Rule Ordinance and Regulation, many persons resident within the said Island of Bombay, have, since the passing of the same, repaired and altered, in various ways, their houses and tenements, without having first duly complied with such Rule Ordinance and Regulation, by previously obtaining such certificate as aforesaid: And whereas, many such persons have not desisted from carrying on such alterations or repairs, notwithstanding they have been duly required by the said court so to do; Be it therefore ordained, by the authority aforesaid, that every person who shall henceforth build, repair, or in anywise alter, or cause to be built, repaired, or in anywise altered, any house or tenement, or the boundaries of any ground contiguous or adjoining to any road, street or lane, in the Island of Bombay, or shall take down or remove, or cause to be taken down or removed, any wall or foundation contiguous or adjoining to any of the said roads, streets or lanes, without having first obtained in writing, duly signed by the clerk to the Petty Sessions, such certificate or final confirmation as aforesaid of such court; or having obtained such certificate or confirmation, shall in anywise wilfully, or with the view of taking any advantage thereof, alter the same, shall pay and forfeit a sum not exceeding 500 rupees, over and above the expense of demolishing any such erection or erections that may have been made without the order or final confirmation of the said Court of Petty Sessions; and which said erection or erections, the said Court of Petty Sessions are hereby expressly instructed and authorized to demolish and remove, in such manner as they shall deem most expedient for the public benefit and convenience; the materials of which such erections may have been formed, being hereby declared to be forfeited to, and to become the property of the Court of Petty Sessions, who are hereby authorized and directed, either to sell the same and carry the amount produced by such sale to the credit of the Police Fund, or to apply the said materials towards repairing the roads of the Island, as may be most expedient.

Unauthorized build-
ings to be removed.

Their materials for-
feited.

How to be disposed
of.

ARTICLE III.

And whereas by Article XIII. of the said Rule Ordinance and Regulation III, 1812, certain combustible articles are forbidden to be admitted within the town of Bombay, at any of the gates, unless by special written commission, by order of the Honourable the Governor, or Commandant of the Garrison, or under the signature of the senior Magistrates of Police, or of the Town Major, or Fort Adjutant, who are thereby respectively ordered to keep a registry of all such licenses as may be severally granted by them; all of which articles, on being found within the walls of the said town, are thereby directed to be removed without the gates, by the order of any one of the Magistrates, at the expense of the owners: And whereas, also by Article XV. of the said Rule Ordinance and Regulation, fifty bundles of hay are permitted to be brought for the daily consumption of each horse kept within the walls of the garrison, such hay to be introduced under the authority of the passes therein mentioned, and to be monthly exchanged for new passes, the latter not being issuable till the former be surrendered: And whereas no provision is made by either of the said last before-mentioned Articles, for punishing such persons as may infringe either of the same; Now, Be it ordained, That all persons who shall infringe the said Articles, or either of them, shall, on due proof thereof before the Magistrates in Petty Sessions, be liable to a fine not exceeding thirty rupees for each offence; and which said fine the Magistrates in Petty Sessions are hereby authorized and empowered to impose and levy.

Fine on introducers
of combustible materi-
als contrary to or-
ders, within the town
of Bombay.

ARTICLE IV.

And whereas by the 17th Article of the said Third Rule Ordinance and Regulation, no lights are allowed in stables, cow or buffaloe houses, within the gates of the fort, except in hanging globe lamps, or lanthorns; and all persons discovered smoking in such buildings are ordered to be taken up: And whereas such Article is not sufficiently extensive in its operation: And whereas no provision is thereby made for otherwise punishing such persons as may infringe such Article; Now, Be it as well ordained, That the provisions in such Article shall from henceforth have effect,

Fine and punishment
on persons using
lights in stables, con-
trary to orders.

effect, not merely within the Fort but over the whole Island of Bombay, so that all persons found smoking in such buildings, or in anywise infringing the said Article, shall, on due proof thereof before the Magistrates in Petty Sessions, be liable to punishment by whipping, in such manner as the Court of Petty Sessions shall direct, not exceeding in any case twelve stripes; or to the payment of a fine not exceeding rupees fifty; and which said fine the Magistrates in Petty Sessions are hereby authorized and empowered to impose and levy.

ARTICLE V.

Fine on persons building houses of prohibited materials.

Such buildings to be demolished.

Their materials how to be disposed of.

And whereas by the 18th Article of the said Rule Ordinance and Regulation, the construction both within the walls of the garrison, and the limits of the native town, of all houses, sheds or huts, whether of tatta and cadjans, or of other materials than stone or brick with tiled roofs, is prohibited; therefore, for the better enforcement of the said Article, it is hereby ordained, That any person constructing any such house, shed or hut, with any other materials than stone or brick with tiled roofs, shall for every such offence forfeit and pay to the Court of Petty Sessions, a sum not exceeding 100 rupees, over and above the expense of demolishing such buildings; and which said building, erection or erections, the said Court of Petty Sessions are hereby expressly instructed and authorized to demolish and remove, in such manner as they shall deem most expedient for the public benefit and convenience; the materials of which such building may be formed, being hereby declared to be forfeited to, and to become the property of the Court of Petty Sessions, who are hereby authorized and directed either to sell the same, and carry the amount produced by such sale to the credit of the Police Fund, or to apply the said materials themselves towards repairing the roads of the Island, as may be most expedient.

ARTICLE VI.

Piles of wood and haystacks, erected close to the houses of inhabitants, to be removed by their owners within a given period;

Otherwise, by the Petty Sessions.

Fine on the owners failing to remove them.

And whereas numerous complaints have been made of the danger arising to the lives and properties of the inhabitants of this Island, from the practice of erecting large piles of wood for sale, and haystacks close to the houses of the inhabitants within the Black Town, and frequently in the most populous parts of the Island: It is hereby enacted by the authority aforesaid, That it may be lawful for the Court of Petty Sessions, on the complaint of any person, in consequence of such apprehended danger from any piles of wood, haystacks, or other combustible substances, to examine into the facts; and in case of risk, to order the removal of any such dangerous materials, and if the owner shall fail to remove them within three days after notice given for that purpose to him, that then such materials may be removed by the order of the said Court, who are hereby authorized to impose upon the person so failing to comply with such order, a fine equal to the expense of removing the same, with a further sum, not exceeding rupees eighty; and which said fines the said Court of Petty Sessions are hereby empowered and authorized to impose and levy.

ARTICLE VII.

Projections and encroachments in streets and passages to be removed, by persons causing them, within a prescribed time;

otherwise, by the Petty Sessions, at the expense of such persons.

And whereas by the 25th and 26th Articles of the said Third Rule Ordinance and Regulation, it is ordained that the Court of Petty Sessions shall and may, at any time after the taking effect of the said Rule Ordinance and Regulation, cause notice to be given in such manner as they shall think proper, to the owner or occupier of any house, building, lands, tenements or hereditaments within the Island of Bombay, from which any penthouse, bow-window, porch, balcony, rail, bulk, sign-post, spout, gutter or other thing, doth or shall hang over or in any way project or encroach upon any street or other public passage, and to the owner or occupier of any stall, shamble or booth, standing in or otherwise encroaching upon any street or other public passage, warning by such notice the said owner or occupier, that he remove or regulate such projection or encroachment in such manner as not to incommode the public; and in case such owner or occupier shall refuse or neglect so to do for the space of fifteen days next after such notice shall have been given to him, that it shall and may be lawful for the said court to cause any and every such penthouse, bow-window, porch, shed, balcony, rail, bulk, sign-post, spout, gutter, stall, shamble, booth, or other encroachment, nuisance, or annoyance, to be removed and regulated in

in such manner as they shall think proper; and such owner or occupier shall forfeit to the said court a sum equal to the expenses and charges which the court shall incur in doing the same; and that no head builder, master carpenter, master mason, or workman shall, in rebuilding or new-fronting any old building situated in or near any street, square, lane, or public way, bring the foundation thereof forward beyond the old foundation, so as to encroach upon any such street, square, lane, or public way; and that every person so offending shall forfeit and pay to the Court of Petty Sessions for every such offence the sum of one thousand rupees, and the owner of such building shall also forfeit and pay to the said court the further sum of one thousand rupees for every month such obstruction or encroachment shall remain, by the foundation of such building being brought forward as aforesaid, after notice given to him or her, or left at the place of his or her last abode by the Surveyor, to remove the same; and that it shall and may be lawful to and for the said court to order the same to be taken down, or regulated in such manner as they shall think proper, and that such owner or occupier shall forfeit and pay to the said court a sum equal to the expenses and charges which the said court shall incur in doing the same: And whereas the said two Articles (together with various others) are inefficient, inasmuch as they do not invest the Magistrates with a power of recovering such forfeitures: And whereas it was and is intended, that in all cases where the Court of Petty Sessions are, by any Rule Ordinance and Regulation empowered to impose fines, or where forfeitures are by any Rule Ordinance or Regulation declared to be payable, that the said court should have full power to enforce the payment thereof: Now, Be it ordained, That all persons who shall at any time be fined by the said court under and by virtue of any power by any Rule Ordinance and Regulation given to the same, or who shall be declared as aforesaid to be liable to any forfeitures, and who shall not immediately discharge the fine or forfeiture imposed on or declared to be payable by him her or them, the amount of such fine, penalty or forfeiture, shall be levied by issuing process against his or her property, by warrants under the hands and seals of two or more of the Magistrates in Petty Sessions (and which warrants the said Magistrates are hereby empowered to issue) to any person they may think proper, directing him to seize and openly sell in some public spot on the Island so much property belonging to the person refusing or omitting to pay the fine, penalty or forfeiture, so by the authority aforesaid imposed upon or declared to be payable by him, her or them, as shall be adequate to defray the amount of the said fine, penalty or forfeiture, and every reasonable expense which may attend the sale of such property seized upon; and if property belonging to such offenders, sufficient to make good the said fine, penalty or forfeiture, be not found, such offender or offenders shall be committed to gaol and kept to hard labour, at the discretion of the said Magistrates, for a period not exceeding two months.

Head builder, matter carpenter, matter mason, or workmen, prohibited from bringing forward foundations of new buildings beyond the old foundations.

Penalty for non-observance.

Penalty on owners of such buildings till removed.

To be taken down and removed by the Petty Sessions at the cost of the owners.

Costs how to be recovered.

Offenders how to be punished, if possessed of no property.

ARTICLE VIII.

And whereas many and great injuries are done to the public streets, roads and lanes of this Island, by various methods, all of which at least render the same less commodious and passable: Now, Be it ordained, That all persons who shall make or cause to be made any pit, hole or excavation, or lay or cause to be laid any log of timber, filth, rubbish, or any obstruction or annoyance whatsoever, in, under, over or upon any of the public streets, roads or lanes of this Island, or put or cause to be put any stones, filth or other substance, calculated to obstruct the course of the same into any of the drains or sewers under or connected with any of the public streets, roads or lanes of this Island, or who shall in anywise block up or cause to be blocked up any such drains or sewers, shall be liable to such fine or penalty as the nature of the case may require, or the Court of Petty Sessions in its discretion may deem reasonable and fit, so that the same do not for each offence exceed the sum of one hundred rupees.

Fine on all persons making pits, holes, or excavations, or leaving timber, filth, rubbish, &c. on roads, streets and lanes.

ARTICLE IX.

And whereas it is not unfrequent for persons secretly to deposit, principally during the night, various collections of filth and rubbish in the public streets, roads and lanes of this Island, and also to dig pits and holes in the same, whereby it is difficult to ascertain the identical person who deposited or dug the same: Now be it ordained, That in every case where filth or rubbish shall be proved, on the oath

Persons secretly depositing filth and rubbish in the public streets and roads, to be fined on discovery;

otherwise the owners of the contiguous houses, if they do not remove them within a prescribed term.

Fine how to be recovered.

of one witness, to be lying, or holes or pits to be dug in the public streets, roads and lanes of this Island, it shall be competent to the Court of Petty Sessions to summon before them the occupier or owner (where the same be not occupied) of the dwelling-house, stable, outhouse or premises against, contiguous, opposite or near to which the said filth or rubbish shall be lying, and to call on such owner or occupier either to remove the same or to produce the person who actually deposited such filth or rubbish or dug such pits (tendering to this court at the same time one competent witness at least to substantiate the fact), or to remove or cause to be removed, at his or her own expense, the said filth or rubbish, or fill up the said pit or hole; and in case such owner or occupier shall fail (when so called upon) either to produce, in such manner as aforesaid, such offending person, or remove such filth or rubbish, or fill up such pit or hole, within the space of one week at furthest, it shall be lawful for the said Court of Petty Sessions to fine such occupier or owner to an extent not exceeding 50 rupees; and in case he, she or they shall refuse to pay such fine, the Magistrates at the said Court of Petty Sessions may at their discretion either levy the same by distress, or commit him, her or them, so refusing to pay the same, to the common gaol, for any period not exceeding one fortnight.

ARTICLE X.

The erection of arches over the public drains, without permission, prohibited.

Offenders to be fined.

And whereas great and essential injury is frequently done to the streets, roads and lanes of this Island, by persons insufficiently building or carrying arches over the public drains, whereby the water is obstructed in its course and thrown out of its proper channel: Now, Be it hereby enacted, That no persons whatsoever shall be at liberty to erect or carry any arch, or place any materials, either temporary or permanent, over any of the public drains of this Island, without first duly obtaining the consent in writing of the Court of Petty Sessions; and any person or persons who shall erect or carry, or cause to be erected or carried, any arch or place, or cause to be placed any materials, either temporary or permanent, over any of the public drains of this Island, without first obtaining such consent as aforesaid, shall be liable to the payment of a fine not exceeding 100 rupees, and which said fine the Magistrates in Petty Sessions are hereby authorized to impose and levy.

ARTICLE XI.

Prohibition on persons carrying on their different trades in the public roads.

Fine on offenders.

Offenders how to be punished in default of payment.

And whereas many persons are seen frequently working and carrying on their different trades in the public roads, to the great annoyance and nuisance of those who are passing by: Now, Be it ordained, That if any persons shall, after the passing this Rule Ordinance and Regulation, be found working or carrying on their trades in any of the public streets, roads or lanes of this Island, other than hawkers and pedlars carrying about from place to place their goods for sale, he shall on conviction before one justice, by confession, or view of the justice, or oath of one witness, forfeit any sum not exceeding ten rupees, and in default of payment shall be committed to the common gaol, there to be kept at hard labour for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such person may, without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed to a constable or other peace officer, in order to be carried before a justice.

ARTICLE XII.

Timbers, benches, cots, &c. lying on the roads and streets, of which no owners can be ascertained, to be removed, and sold for the benefit of the public fund.

Persons resisting against the Petty Sessions and their officers how to be punished.

And whereas logs of timber, benches, cots, and other obstructing and annoying substances and articles are frequently found lying in the middle and on the sides of the public streets, roads and lanes of this Island, the owner or owners of which it is difficult to find or as certain: Now, Be it ordained, That the said Court of Petty Sessions shall have full power and authority, and are hereby invested therewith, not only to remove or cause to be removed such logs of timber, benches, cots, and all other obstructing or annoying substances, but also to sell or cause the same to be sold in manner aforesaid for the benefit of the Police Fund; and any person who shall resist or make forcible opposition against the said Court of Petty Sessions or its officers, either when carrying into effect the aforesaid duty, or any other enjoined by any Rule Ordinance or Regulation, shall be amenable to the said court, which, in vindication of its own authority, is hereby empowered to punish all such offenders by fine, not exceeding one hundred rupees, or imprisonment in the

the common gaol for not less than one or more than two months, there to be kept at hard labour.

ARTICLE XIII.

And whereas not only the boughs but the bodies of trees growing near the highways, are suffered to hang over the same in such manner as not only to do material injury to the roads, but even to endanger the lives of those who are passing along : Now, Be it therefore ordained, That the Court of Petty Sessions shall have full power and authority, and are hereby invested therewith, to lop, grub up or remove, or cause to be lopped, grubbed up and removed, all such trees hanging over as aforesaid, provided the owner having six days previous notice from the said court of its intentions, (and which notice the said court are hereby enjoined to give,) shall not previously lop, grub up or remove, as the case may require, the said tree or trees so hanging over the roads or endangering the lives as aforesaid of the inhabitants of this Island ; and the said court is hereby authorized, for the purposes aforesaid, to enter by itself or officers the compound of all such persons who shall refuse or neglect, having such notice as aforesaid, to lop, grub up and remove such trees as aforesaid.

Boughs or bodies of trees growing near the highways, and hanging over them, to be lopped, grubbed up, or removed, within a prescribed time, by the owners;

otherwise by the Petty Sessions.

ARTICLE XIV.

And whereas much mischief has arisen from trees, bushes and shrubs being planted too near to the public roads of this Island : Now be it ordained, That from and after the passing of this Rule Ordinance and Regulation, no tree, bush or shrub shall be planted along the sides of the highways in this Island, without the permission of the Court of Petty Sessions ; and in furtherance of such Ordinance, the said Court of Petty Sessions are hereby invested with power (similar to that in the last Article contained) of removing and grubbing up any such bush or shrub that may be so planted without permission.

Prohibition on the planting of trees, bushes and shrubs, near the public roads, without permission.

To be removed if unauthorizedly planted.

ARTICLE XV.

And whereas in defiance of all decency and to the annoyance of passengers, persons are frequently seen easing themselves in the public roads of this Island ; Now be it ordained, That every person easing himself on the beach forming the west side of the Esplanade, or so easing himself on or by the side of or contiguous to any public-street, road or lane, shall on conviction before one justice by confession, or view of the Justice, or oath of one witness, forfeit any sum not exceeding three rupees, and in default of payment thereof shall at the discretion of the Magistrates either be committed to the common gaol, there to be kept at hard labour for a time not exceeding one fortnight, or be put in the round-about for half an hour ; and every such person may, without warrant, be apprehended by any passenger going by at the time and who shall see such offence committed, and shall be immediately conveyed to a constable or other peace officer in order to be carried before a Justice.

Punishment on persons easing themselves in the public roads, streets, &c.

ARTICLE XVI.

And whereas many bad accidents happen and great mischief is frequently done upon the street and highways, by the negligence or wilful misbehaviour of persons driving carts, hackeries or carriages or riding horses thereon : it is therefore hereby ordained, That if the driver of any cart, hackery or carriage whatsoever, on any part of any street or highway, shall either drive or ride violently or furiously along, or shall by negligence or misbehaviour cause any damage to any person, or to any cart, hackery or carriage passing upon such street or highway, or shall quit the highway and go on the other side the wall or fence enclosing the same, or wilfully be at such distance from such cart, hackery or carriage whilst it shall be passing upon such highway, that he cannot have the direction of the animals drawing the same, or shall by negligence or misbehaviour prevent or interrupt the free passage of any other cart, hackery or carriage on the highways ; or if the driver of any empty cart, hackery or carriage whatsoever, shall refuse or neglect to turn aside for any coach, chariot, chaise, loaded cart or hackery or other loaded carriage, or shall wilfully set or leave any hackery, cart or other carriage, (except only during such reasonable time as the same shall be loading or unloading,

Owners and drivers of carriages or horses, violently or furiously them, and placing them in parts of roads, &c. to the damage of passengers and other carriages, &c. to be punished.

unloading, and standing as near the side of such highway as conveniently may be,) so as to interrupt or hinder the free passage of any other carriage or of His Majesty's subjects, he shall on conviction before one Justice, by confession or view of the Justice, or oath of one witness, forfeit any sum not exceeding 25 rupees, in case the driver shall not be the owner of such carriage, and if the offender be the owner, then any sum not exceeding fifty rupees, and in default of payment shall be committed to the public gaol, there to be kept at hard labour for any time not exceeding one month, unless such forfeiture shall be sooner paid; and every such driver offending in either of the said cases may by the authority of this Rule Ordinance and Regulation, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed before a Justice, to be dealt with according to law.

ARTICLE XVII.

That part of Rule Ordinance and Regulation I, 1812, empowering the Court of Petty Sessions to decide on questions respecting calls, repealed.

And whereas by Article the 11th of Rule Ordinance and Regulation the First, it is enacted, That the Court of Petty Sessions shall possess the power of deciding on all questions respecting the appointment of the officers of Casts, according to the usage of the respective Casts, and decide on all complaints of expulsion from casts, subject nevertheless to an appeal to the Governor in Council: And whereas great inconvenience has arisen and is still likely to arise from interfering in the usages and customs of the natives respecting Casts; it is hereby ordained, that the said 11th Article of Rule Ordinance and Regulation I, 1812, shall be and is hereby repealed.

ARTICLE XVIII.

Plaintiffs, defendants, and witnesses, regularly summoned, how to be punished for non-attendance.

And whereas the course of public justice is frequently delayed and impeded to the great detriment of the public peace, by the non or irregular attendance of parties, as well plaintiffs and defendants, as of witnesses before the said court; Now be it hereby ordained, That the said court of Petty Sessions shall have full power at all times to summon and bring before them all persons whose presence is necessary, to promote the purposes of justice, and in aid of such Ordinance, the magistrates composing the said court of Petty Sessions, are hereby severally authorized at any time to summon and cause to be brought before the said court all persons of that description, and in the event of any person duly summoned not attending as required, the said court, or having attended, departing therefrom without leave of the magistrates composing the same, it shall be competent to the said court to issue a warrant for the apprehension of such person, and when apprehended to punish the offender by fine not exceeding two hundred rupees, and in default of payment, imprisonment in the common gaol for not less than one fortnight or more than two months.

ARTICLE XIX.

The amount of the recognizance for keeping the peace to be paid by the securities of persons entering into the same, on the latter's forfeiture or conviction.

And whereas it is expedient to prevent as much as possible the increase of immoral habits amongst the lower classes of the community: And whereas the commitment of offenders to the common gaol has, in two many instances, the deplorable effect of rendering them worse rather than better members of society; and it being therefore desirable that the magistrates should in all available cases take security for the future good behaviour of those who are brought before them charged with the commission of minor offences, or who appear to be young offenders, a practice from which they are not unfrequently deterred through the difficulty, delay and expense which now attend the putting such securities in force: Now be it therefore ordained, That in every case where a recognizance for keeping the peace, or for future good behaviour, and not exceeding in amount 200 rupees, as to the principal and 100 each as to the securities, shall have been forfeited by the principal entering into the same (and of which forfeiture his conviction before the said court of Petty Sessions, duly entered on the records of the said court) of any offence the perpetration (duly proved) of which by the laws of England would forfeit a security of that description, shall be sufficient evidence, the magistrates in Petty Sessions shall have the power, and are hereby invested with full power and authority to require from the person or persons, who in the character of security or securities shall have become party or parties to such recognizance so forfeited as aforesaid, immediate payment of the sum for the due discharge of which he, she or they shall have made himself

himself, herself, or themselves, in the event of such recognizance being forfeited, liable; and in case he, she or they shall refuse immediately to pay the full amount of the sum for the payment of which he, she or they shall have respectively made himself, herself or themselves in manner aforesaid liable, the amount of such sum shall be levied by issuing process against his, her or their property by warrants under the hands and seals of two or more of the magistrates in Petty Sessions, and which warrants the said magistrates are hereby empowered to issue to any person they may think proper, directing him to seize and openly sell in some public spot on this Island, so much property belonging to the person refusing or omitting to pay the sum so become payable as aforesaid, as shall be equal to defray the amount thereof, and any reasonable expense which may attend the sale of such distrained property, and if property belonging to such person so refusing to pay sufficient to make good the said sum, be not found, such person shall be committed to gaol, and kept to hard labour at the discretion of the said magistrates for any period not exceeding two months.

How to be recovered.

P A P E R S

RELATING TO

EAST INDIA AFFAIRS:

VIZ:

R E G U L A T I O N S

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1817.

(Presented in pursuance of Act 53 Geo. III. cap. 155, Sect. 66.)

*Ordered, by The House of Commons, to be Printed,
13 July 1819.*

PAPERS RELATING TO

REGULATIONS Passed by the Governments of India:—Presented to the Honourable House of Commons, in pursuance of an Act of Parliament of the 53^d Geo. III. Cap. 155, Sect. 66:—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1817;

N^o I. to XXVI.

Regulation.

I.—For extending the authority of the Commissioner in Behar and Benares, to the districts of Ramghur, Bhaugulpore and Purneah:— - - Passed on the 17 January 1817 - - - p. 5

II.—For re-establishing the office of Canoongoe in those portions of the districts of Rhamgur, Bhaugulpore and Purneah, which are comprised in the province of Behar:—

Passed on the 17 January 1817 - - - ibid.

III.—For diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four rupees in value or amount, when tried by the Zillah and City Judges, Registers or Sudder Aumeens; and for modifying and explaining some of the rules contained in Regulation I, 1814, and in Regulation XXIII, 1814:—

Passed on the 31 January 1817 - - - p. 6

IV.—For annexing to the zillah of Seharunpore, the tract of country called Deyra Doon, formerly composing a part of the territories of the Rajah of Nepaul:—

Passed on the 28 February 1817 - - - ibid.

V.—For declaring the rights of Government and of individuals with respect to hidden treasure; and for prescribing the rules to be observed on discovery of such treasure:—

Passed on the 28 February 1817 - - - p. 7

VI.—To explain the purport and intent of the provision contained in Section II, Regulation XXIV, 1803:— - - - Passed on the 11 April 1817 - - - p. 9

VII.—For modifying that part of Section IV, Regulation XXII, 1816, which declares that the allowances of chokeedars of Police shall not exceed three rupees per mensem:—

Passed on the 18 April 1817 - - - ibid.

VIII.—For modifying certain parts of Regulation XVII, 1813:—

Passed on the 2 May 1817 - - - p. 10

IX.—For rescinding Regulation V, 1815:—

Passed on the 22 July 1817 - - - p. 11

X.—For the trial of persons charged with the commission of certain heinous offences in Kumaon and other tracts of territory ceded to the Honourable the East India Company by the Rajah of Nepaul, and subject to the British Government:—

Passed on the 22 July 1817 - - - ibid.

XI.—For modifying certain parts of Regulations XIX and XXXVII, 1793, and Regulations XLI and XLII, 1795:— - - - Passed on the 29 July 1817 - - - p. 13

XII.—For securing the better administration of the office of Putwaree in the ceded and conquered provinces, the provinces of Behar and Benares, the district of Cuttack, the pergunnah of Puttaspore and its dependencies:— - - Passed on the 12 August 1817 - - - p. 14

XIII.—For establishing the office of Canoongoe in the district of Midnapore and in the Mehals, subject to the authority of the Collector of Hidgellee, and for extending to the said district and Mehals, the operation of Regulation XII, 1817:—

Passed on the 26 August 1817 - - - p. 19

XIV.—For amending certain parts of Regulation II, 1812:—

Passed on the 9 September 1817 - - - p. 20

XV.—For imposing a duty on foreign Salt, imported by sea into any port or place within the limits of the territories immediately dependent on the presidency of Fort William:—

Passed on the 9 September 1817 - - - p. 22

XVI.—For imposing a duty on foreign Opium, imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William:—

Passed on the 9 September 1817 - - - p. 23

XVII.—To provide for the more effectual administration of Criminal Justice in certain cases:—

Passed on the 16 September 1817 - - - p. 24

XVIII.—To modify the rules in force which prescribe an oath of office to be taken by certain Native Officers; and to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts:—

Passed on the 16 September 1817 - - - p. 32

XIX.—For modifying and amending some of the Regulations in force, relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent:—

Passed on the 16 September 1817 - - - p. 34

XX.—For reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of Darogahs and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land, and their local managers, as well as from the munduls and other heads of villages:—

Passed on the 7 October 1817 - - - p. 39

XXI.—For modifying and explaining certain parts of Regulation IV, 1815:—

Passed on the 28 October 1817 - - - p. 85

XXII.—For vesting the Judge and Magistrate of Cuttack with power to remove and to appoint the Native Ministerial Officers on his Establishment, without a previous reference to the Provincial Courts of Appeal and Circuit for the Division of Calcutta:—

Passed on the 28 October 1817 - - - p. 92

XXIII.—For modifying certain parts of Regulations XIX and XXXVII, 1793, and for defining the right of Government to the revenue of lands not included within the boundaries of estates for which a settlement has been made:— - - Passed on the 28 October 1817 - - - p. 93

XXIV.—For modifying the constitution of the Commission established in the provinces of Behar and Benares, and in the districts of Ramghur, Bhaugulpore and Purneah; for extending the authority of the said Commission to the districts of Dinagepore and Rungpore; and for better defining the powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the authority of that Board:—

Passed on the 9 December 1817 - - - p. 97

XXV.—For fixing the weight of the pice struck at the Calcutta Mint, and for giving general circulation to pice struck at any of the Mints subordinate to this Presidency:—

Passed on the 9 December 1817 - - - p. 98

XXVI.—For authorizing the circulation of Furruckabad Rupees, coined in the Mints of Calcutta, Furruckabad or Benares, or at any other Mint, established by order of the Governor General in Council:— - - - Passed on the 16 December 1817 - - - ibid.

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1817;

N^o I. to VIII.

Regulation.

I.—For modifying certain parts of Regulation IV, 1812:—

Passed on the 20 January 1817 - - - p. 99

II.—For suspending, for a certain period, the operation of Regulations XIII, XIV, and XV, of 1816, and for re-establishing certain Stamp Duties abolished by the first of those Regulations:—

Passed on the 20 January 1817 - - - p. 100

III.—For explaining and modifying certain Provisions of Regulations IX, X, and XI, of 1816:—

Passed on the 3 February 1817 - - - p. 101

IV.—For rescinding Regulation V, of 1812, and reviving the jurisdiction of the Zillah of South Malabar over the Town of Cochin and its Dependencies:

Passed on the 17 February 1817 - - - p. 102

V.—For providing a succession of Hindoos and Mahomedans, duly qualified to be employed as Law Officers, and as Vakeels, in the Courts of Udawlut under the Presidency of Fort St. George:—

Passed on the 19 May 1817 - - - ibid.

VI.—For declaring the Provisions of Section IX, Regulation XIII, of 1816, not applicable to Deeds and Instruments executed previously to the 12th of July 1817, and for reviving the operation of Regulation VIII, of 1808, and Regulation II, of 1813, with respect to Deeds and Instruments executed between the 1st of January 1809 and the 12th of July 1817:—

Passed on the 30 September 1817 - - - p. 106

VII.—For the due appropriation of the Rents and Produce of Lands granted for the support of Mosques, Hindoo Temples and Colleges, or other public purposes; for the maintenance and repair of Bridges, Choultries, or Chuttrums, and other public Buildings; and for the custody and disposal of Escheats:— - - - Passed on the 30 September 1817 - - - ibid.

VIII.—For expediting the Trial of Civil Suits, in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their Rights, Claims, and Interests:— - - - Passed on the 9 December 1817 - - - p. 108

III.—By the Governor in Council of BOMBAY, in the Year 1817;

N° I. to VII.

Regulation.

I.—For annexing to the Zillahs of Kaira and Surat, the Pergunnahs, Tuppa and Villages in Guzerat, formerly composing part of the Territories of his Highness the Guycowar, and ceded to the Honourable East India Company in exchange for the Pergunnah of Beejapoor:—

Passed on the 23d April 1817 - - - p. 114

II.—For amending Regulation XIII, of 1815:—

Passed on the 23 July 1817 - - - p. 115

III.—To explain and amend Regulation IX, 1815, made by the Right Honourable the Governor in Council on the 6th of September 1815, respecting a certain Tax on Houses on the Island of Bombay, situated beyond the limits of the Town, and Island of Coolaba; which Tax was imposed by the order and under the authority of the Right Honourable the Governor in Council, on the 20th January 1813, and confirmed by the statute of the 54 Geo. III. c. 105:—

Passed on the 30 July 1817 - - - p. 118

IV.—For authorizing the levy of certain Fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:—

Passed on the 6 August 1817 - - - p. 121

V.—For the levying and enforcing the payment of certain Taxes on Carriages and riding Horses; for the repairs of the Roads situate beyond the limits of the Town of Bombay, and for the construction of such others as may be necessary;—made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:—

Passed on the 6 August 1817 - - - p. 122

VI.—For annexing to the Zillahs of Salsette, Broach and Kaira respectively, the Territories in the Concan, and Souba or Province of Guzerat, formerly composing part of the Possessions of his Highness the Peishwa, which have been ceded to the Honourable East India Company; and for extending the Regulations applicable to the Zillah Courts in Guzerat, to the Zillah of Salsette:— - - - - Passed on the 27 August 1817 - - - p. 126

VII.—For preventing the clandestine importation and sale of Tobacco, Ganza and Snuff in the islands of Bombay, Coolaba and Old Woman's Island; and for licensing the retailers thereof:—

Passed on the 27 August 1817 - - - p. 127

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1817.—N° I to XXVI.

A. D. 1817. REGULATION I.

A REGULATION for extending the Authority of the Commissioner in Behar and Benares, to the districts of Ramghur, Bhaugulpore, and Purneah :—Passed by the Governor General in Council, on the 17th of January 1817; corresponding with the 6th Magh 1223 Bengal era; the 14 Magh 1224 Fusly; the 7th Magh 1224 Willaitce; the 15th Magh 1873 Sumbut; and the 28th Suffer 1232 Hijree.

WHEREAS it has been deemed advisable to extend the authority of the Commissioner in Behar and Benares to the districts of Ramghur, Bhaugulpore and Purneah, the following rule has been enacted to be in force from the 1st of February 1817; corresponding with the 21st Magh 1223 Bengal era; the 29th Magh 1224 Fusly; the 22d Magh, 1224 Willaitce; the 14th Magh 1873 Sumbut; and the 13th Rubee-ool-uwal, 1232, Hijree. Preamble.

II. The general superintendence of the revenues of the districts of Ramghur, Bhaugulpore and Purneah, shall be vested in the Commissioner in Behar and Benares, in the same manner as the superintendence of the revenues of the province of Benares, and of the Zillahs of Behar, Shahabad, Sarun and Tirhoot, is now exercised by that officer, under the provisions of Regulation I. 1816. The authority of the Commissioner in Behar and Benares, extended to the districts of Ramghur, Bhaugulpore and Purneah.

A. D. 1817. REGULATION II.

A REGULATION for re-establishing the Office of Canoongoe, in those portions of the districts of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar :—Passed by the Governor General in Council, on the 17th January 1817; corresponding with the 6th Magh 1223 Bengal era; the 14th Magh 1224 Fusly; the 7th Magh 1224 Willaitce; the 15th Magh 1873 Sumbut, and the 28th Suffer 1232 Hijree.

WHEREAS the office of Canoongoe has already been re-established under the provisions of Regulation II, 1816, in that portion of the province of Behar which forms the districts of Shahabad, Tirhoot, Sarun and Behar: and whereas it is expedient to re-establish the said office generally throughout the province of Behar, the following rule has been enacted, to be in force from the 1st of February 1817, corresponding with the 21st Magh 1223 Bengal era; the 29th Magh 1224 Fusly; the 22d Magh 1224 Willaitce; the 14th Magh 1873 Sumbut, and the 13th Rubee-ool-uwal 1232 Hijree. Preamble.

II. The operation of the rules contained in Regulation II, 1816, is hereby extended to the several Pergunnahs of the Zillahs of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar, and are usually denominated the Fuslee Mehals of the Zillahs above-mentioned. The operation of Regulation II, 1816, extended to parts of the districts of Ramghur, Bhaugulpore, and Purneah.

A. D. 1817. REGULATION III.

A REGULATION for diminishing the expense to which parties are liable in original suits or appeals, not exceeding sixty-four rupees in value or amount, when tried by the zillah and city judges, registers or sudder aumeens; and for modifying and explaining some of the rules contained in Regulation I, 1814, and in Regulation XXIII, 1814:—Passed by the Governor General in Council, on the 31st of January, 1817; corresponding with the 20th Maug 1223 Bengal era; the 28th Maug 1224 Fusly; the 21st Maug 1224 Willaity; the 13th Maug 1873 Sumbut; and the 12th Rubee-ool-uwal 1232 Higerree.

Preamble.

WHEREAS parties in civil suits, not exceeding in value or amount sixty-four rupees, are now liable to disproportionate expense, when such suits are prosecuted in the zillah or city courts, and whereas it is expedient to render the provisions contained in Sections XV, XVI and XVII, Regulation I, 1814, applicable to appeals, exceeding sixty-four rupees in value or amount, when such appeals are referred for trial to the zillah and city registers: and whereas it is expedient to remove certain doubts which have arisen regarding the construction of the second Clause of Section XLIX, Regulation XXIII, 1814; the following rules have been enacted, to take effect from the 1st of March 1817, throughout the provinces immediately subject to the presidency of Fort William.

Certain provisions in Regulation XXIII, 1814, declared to extend to all original suits and appeals, which may be instituted in the zillah or city courts, not exceeding in amount the sum of sixty-four rupees.

II. The provisions contained in Clause fourth, Section XXV, in Clause third, Section XXIX, and in Clause first, Section XXXVIII, of Regulation XXIII, 1814, are hereby extended to all original suits or appeals not exceeding in amount or value the sum of sixty-four rupees, which may be instituted in the zillah or city courts subsequently to the date fixed for the operation of this Regulation, whether those suits be tried by the zillah or city judges themselves, or be referred for trial to the sudder aumeens or registers.

Sections XV, XVI and XVII, Regulation I, 1814, applicable to appeals before registers, exceeding in value or amount the sum of sixty-four rupees.

III. The rates of stamp-duty prescribed for the register's court by Sections XV, XVI, and XVII, Regulation I, 1814, are hereby declared applicable to appeals from the decisions of sudder aumeens, which may be referred for trial to the zillah and city registers, in all cases in which the amount or value originally adjudged against the appellant, shall exceed sixty-four rupees.

Explanation of Section II, and Clause second, Section XLIX, Regulation XXIII, 1814.

IV. Doubts having arisen, whether under the provisions of Section II, and of the second Clause of Section XLIX, Regulation XXIII, 1814, the plaintiffs or appellants in suits depending before the moonsiffs and sudder aumeens, which may be adjusted by razeenamah, are entitled to receive the whole or any portion of the value or amount of the institution fee, in such suit, it is hereby declared, that the plaintiffs or appellants in suits, which may be adjusted by razeenamah, before the moonsiffs and sudder aumeens, are not entitled to receive back any part of the value or amount of the fee in question, the whole of which is to be paid to the sudder aumeens or moonsiffs, in conformity with the second Clause of Section XLIX, Regulation XXIII, 1814.

A. D. 1817. REGULATION IV.

A REGULATION for annexing to the Zillah of Seharunpore the tract of Country called Deyra Doon, formerly composing a part of the territories of the Rajah of Nepaul,—Passed by the Governor in Council, on the 18th February 1817; corresponding with the 18th Phaugun 1223 Bengal era; the 26th Phaugun 1224 Fusly; the 19th Phaugun 1224 Willaity; the 12th Phaugun 1873 Sumbut; and the 11th Rubee-us-Sanee 1232 Higerree.

Preamble.

WHEREAS the tract of country called Deyra Doon, heretofore forming a part of Gurhwal, has been ceded to the Honourable East India Company, in full Sovereignty by the Rajah of Nepaul: and whereas it has been judged advisable to annex that tract of country to the district of Seharunpore, the following rules have been enacted, to be in force from the period of their promulgation.

II. The

II. The tract of country called Deyra Doon, heretofore forming a part of Gurwal, shall be annexed to the district of Seharunpore, and shall be considered subject in all matters of police and criminal jurisdiction to the magistrate of the northern division of Seharunpore; and in all matters of a civil nature to the jurisdiction of the Dewanny Adawlut of that district. The laws and regulations established for the internal administration of the ceded and conquered provinces are hereby declared to be in full force and effect in the Deyra Doon, subject however to the provisions contained in the following Sections.

The tract of country called Deyra Doon to be annexed to Seharunpore, and the existing laws and regulations extended to that tract of country.

Subject to the following provisions:

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in the Deyra Doon, the cause of action in which may have originated previously to the 15th of May 1803, being a period of twelve years antecedent to the date of the convention, by which that tract of country was surrendered to the British Government.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 15th May 1803.

IV. *First.*—The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the Deyra Doon, previously to the 15th of May, 1815, being the date of the convention by which the said tract of country was surrendered to the Honourable the East India Company.

Criminal courts prohibited from taking cognizance of offences committed previously to the 14th May 1815.

Second.—No part of the regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the territory in question, shall be considered applicable to any crime or offence committed within the Deyra Doon, between the 15th of May 1815, and the period of the promulgation of this Regulation.

and the promulgation of this Regulation.

Third.—In cases however, in which the penalties established by the existing Regulations may appear to be more lenient than those to which the offenders would have been subject under the pre-existing laws and usages of the Doon, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th of May 1815, and the period of the promulgation of this Regulation.

Provisions of the Criminal Regulations which may be favourable to the prisoner to be applicable to such cases.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the Deyra Doon, according as local circumstances may appear to require, adhering however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

A. D. 1817. REGULATION V.

A REGULATION for declaring the rights of Government and of individuals with respect to hidden treasure; and for prescribing the rules to be observed on discovery of such treasure.—Passed by the Governor General in Council on the 28th of February 1817; corresponding with the 18th Phaugun 1223 Bengal era; the 20th Phaugun 1224 Fusly; the 19th Phaugun 1224 Wilahity; the 12th Phaugun 1873 Sumbut; and the 11th Rubce-us-Sanee 1232 Higree.

WHEREAS the provisions of the Mahommedan and Hindoo laws respecting the discovery of hidden treasure differ materially: and whereas it is deemed expedient that an uniform principle should be established for the guidance of persons by whom hidden treasure may be discovered, the following provisions are enacted, to be in force as soon as promulgated throughout the Provinces immediately subordinate to the Presidency of Fort William.

Preamble.

II. Whenever any hidden treasure, consisting of gold or silver coin, or bullion, or of precious stones, or other valuable property, may be found buried in the earth, or otherwise concealed within any part of the territory subject to this Presidency; and after due notification the owner thereof may not be discoverable; such hidden treasure shall become the property of the person or persons who may have found the same, provided it shall not exceed in amount or value, the sum of one lack of sicca rupees; and provided the finder or finders shall have conformed to the rules prescribed in this Regulation.

Hidden treasure, under what circumstances and conditions to become the property of the finder

The finder how to proceed on the discovery of hidden treasure.

III. Whenever any person may find hidden treasure, of the description stated in the foregoing Section, he shall give immediate notice thereof to the judge of the zillah or city in which the treasure may have been found; and shall at the same time deposit the treasure in the zillah or city court, with an exact inventory thereof.

Duty of the zillah or city judges in such cases.

Notification to be issued, and period allowed to claimants to bring forward their claims.

IV. The zillah or city judge receiving a deposit as above directed, shall return a receipt for the treasure deposited, after causing the same to be carefully compared with the inventory; and shall issue a public notification in the current languages of the country, to be published and affixed in his own cutcherry, and in the cutcherry of the collector of the district, requiring all persons who may have any claim of right to the treasure in deposit, to attend in person, or by vakeel, and prove their title thereto, within six months from the date of the notice.

Collectors of land revenue to bring forward any claim of right which Government may appear to possess to such treasure.

Summary inquiry to be instituted by the judges of zillah and city courts.

How judgment to be awarded by the judge.

V. It shall be the duty of the collectors of land revenue acting under the instructions of the Board of Commissioners, or the Commissioner in Behar and Benares, or the Board of Revenue, to bring forward and to support, in conformity with the foregoing provision, any claim of right which Government may appear to possess to such treasure. In the event of any claim of right being preferred, either on the part of individuals or of Government, pursuant to the prescribed notification, the judge shall institute a summary inquiry into the claim preferred; and if the title of Government, or other person so claiming the treasure in deposit, or any part thereof, be clearly established, he shall adjudge the same accordingly; subject to reimbursement of all expense incurred by the finder of the treasure, as well as to such compensation for the discovery of it as may, in such case, appear just and reasonable.

What judgment to be passed by the judge in cases in which no claim shall be preferred either by Government or by individuals, and the amount may not exceed one lack of sicca rupees.

VI. If no claim of right be preferred either by Government, or by an individual, within the period limited by the notification directed in Section IV, of this Regulation, or if the claim or claims so preferred shall not on a summary inquiry appear to be well founded; and the amount or value of the hidden treasure found at the same time, or in the same place, shall not exceed one lack of sicca rupees, the zillah or city judge shall adjudge the same to the person or persons who may have discovered the treasure, and deposited it in the zillah or city court, as required by Section II; subject only to the actual expense which may have been incurred in adopting the measures prescribed by this Regulation.

Decision to be passed by the judge in cases in which the amount of treasure shall exceed one lack of sicca rupees, and no claim of right thereto be established.

VII. If the amount or value of any hidden treasure found at the same time, or in the same place, shall exceed one lack of sicca rupees, and no claim of right thereto be established, judgment shall be given, according to the preceding Section, in favour of the person or persons who may have discovered and deposited the treasure, to the amount of one lack of sicca rupees; and the excess above that sum shall be declared at the disposal of Government.

Persons discovering hidden treasure, who shall neglect to give due notice within one month, shall be considered to have forfeited all right and title to the treasure and compensation.

VIII. If any person discovering hidden treasure of the description specified in Section II, of this Regulation, shall not, within one month after finding the same, give notice to the judge of the zillah or city court, in conformity with Section IV, and make the deposit thereby required, he shall be considered to have forfeited all right and title to the treasure; as well as all claim to a reimbursement of expense, compensation or reward, under the provisions of this Regulation; and the treasure so clandestinely withheld from public investigation, shall, on a summary suit by any subsequent claimant of right, and proof of a just title thereto, be adjudged to the legal owner with interest and costs; or if no private claim be established, shall on the application of the vakeel of Government, under instructions from the Board of Revenue, or the Board of Commissioners in the western provinces, or the Commissioner in Behar and Benares, be liable to confiscation to Government.

The summary decisions of the judges of the zillah and city courts shall be open to a summary appeal

IX. The summary decisions of the judges of the zillah or city courts, which may be passed under this Regulation, shall be open to a summary appeal to the provincial courts, under the general rules in force relative to summary appeals.

The decision of two or more judges of the provincial courts on such appeals to be final.

Provision for admitting a second summary appeal before the Sudder Dewanny

X. The decisions of two or more judges of the provincial courts on such appeals shall be final; unless the court of Sudder Dewanny Adawlut should, on the face of the decree, or on inspection of any documents exhibited with it, see just and sufficient ground for admitting a second summary appeal to that court, in which case only such further appeal may be admitted, and proceeded upon under the general rules in force for summary appeals.

Adawlut.

A. D. 1817. REGULATION VI.

A REGULATION to explain the purport and intent of the provision contained in section II, Regulation XXIV, 1803.—Passed by the Governor General in Council, on the 11th of April 1817, corresponding with the 30th Chyete 1223 Bengal era; the 10th Bysack 1224 Fusly; the 1st Bysack 1224 Willaity; the 10th Bysack 1874 Sumbut; and the 23d Jumadee-ul-Uwal 1232 Higeree.

WHEREAS doubts have been entertained with regard to the true purport and intent of the provision contained in Section II, Regulation XXIV, 1803, and it is expedient to remove those doubts by a declaratory enactment, the following rules have been passed, to be in force throughout the Provinces in which Regulation XXIV, 1803, has operation. Preamble.

II. *First*.—It is hereby declared, that the provision contained in Section II, Regulation XXIV, 1803, was not intended to authorize the Courts of Civil Justice to take cognizance of claims to any pensions of the nature alluded to in that Section, the original title to which had not been previously recognized and confirmed by the Revenue authorities or by Government, to whom the power of investigating and finally deciding on such original titles is exclusively reserved. Explanation of the true purport and intent of Section II, Regulation XXIV, 1803.

Second.—It was only intended by Section II, Regulation XXIV, 1803, that pensions of the nature described in that Section, which had been or might be regularly sanctioned and confirmed by the proper Revenue authorities, or by Government, should not be liable to resumption on the death of the persons authorized to receive them; but should be regarded as property descending to the heirs of the present and future receivers, and be liable to be sued for and inherited in the same manner as other property.

A. D. 1817. REGULATION VII.

A REGULATION for modifying that part of Section IV, Regulation XXII, 1816, which declares that the allowances of choulkedars of police shall not exceed three rupees per mensem.—Passed by the Governor General in Council, on the 18th of April 1817, corresponding with the 7th Bysack 1224 Bengal era; the 17th Bysack 1224 Fusly; the 8th Bysack 1224 Willaity; the 2d Bysack 1874 Sumbut; and the 30th Jumadee-ul-Uwal 1232 Higeree.

WHEREAS the rate of wages to be granted to choulkedars of police entertained under the provisions of Regulation XXII, 1816, has been limited by Section IV, of that Regulation to rupees three per mensem, and whereas it may in some districts be expedient that a higher allowance than that above specified should be granted to such choulkedars, the following rules have been enacted, to be in force from the date of this Regulation throughout the territories immediately dependent on the Presidency of Fort William. Preamble.

II. *First*.—The Governor General in Council is hereby declared competent to authorize the payment to choulkedars of police of a higher allowance than that specified in Section IV, Regulation XXII, 1816, provided that such allowance shall in no instance exceed four rupees per mensem. Section IV, Regulation XXII, 1816, modified.

Second.—It shall be the duty of the superintendents of police to bring under the notice of Government all instances in which it may appear expedient, on a consideration of the usual wages of labour, or of other special or local circumstances, that the choulkedars entertained under the provisions of Regulation XXII, 1816, should receive a higher allowance than three rupees per mensem. Duty of the superintendents of police.

A. D. 1817. REGULATION VIII.

A REGULATION for modifying certain parts of Regulation XVII, 1813 : —
 Passed by the Governor General in Council on the 2d May 1817, corresponding with the 21st Bysaak 1224 Bengal era; the 1st Jeyte 1224 Fusly; the 22d Bysaak 1224 Willaity; the 1st Jeyte 1874 Sumbut; and the 14th Jumadee-us-Sanee 1232 Higeree:

Preamble.

WHEREAS by Section VII, Regulation XVII, 1813, the general control over the proceedings of all commissions constituted under the provisions of Section VI, of that Regulation is vested in the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, and the Board of Trade respectively (according as the person accused may be under one or other of those authorities): and whereas by Sections XIII, and XIV, of the Regulation aforesaid, it is provided that the Commissioner or Commissioners so appointed shall transmit to one or other of the said authorities, as the case may be, the whole of the proceedings held, and documents received, together with a summary of the pleading and evidence, and his or their opinion on the case, and that the Sudder Dewanny Adawlut, or the Board to which the case may belong, shall submit the whole of the proceedings and documents received by them to the Governor General in Council, with their opinion whether any and what facts charged against the party appear to have been established: and whereas on some occasions an adherence to the above form of proceeding may be productive of serious delay in the final determination of the case, and of consequent distress to the accused party, as well as of inconvenience to the public service, the following rules have been enacted, in modification of the provisions above mentioned, and of such part of Section XV, of the Regulation aforesaid as refers to the said provisions.

The control over the proceedings of the Commission appointed under Regulation XVII, 1813, by whom to be exercised.

II. Whenever a special Commission shall be appointed under the provisions of Regulation XVII, 1813, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine whether the Commission, so appointed, shall be placed under the control of any of the authorities above specified in the manner prescribed in Sections VII, XIII, and XIV, of the Regulation aforesaid, or shall act immediately under the authority of Government; and all Commissions, appointed as aforesaid, shall be guided by the instructions which they may receive in this behalf from the Governor General in Council.

The Commission when instructed to act immediately under the authority of Government shall submit their proceedings directly to the Governor General in Council.

III. When the Commission shall be instructed to act immediately under the authority of Government, it shall submit directly to the Governor General in Council, (without the intervention of any of the authorities above specified,) the proceedings held, and documents received on the occasion, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and their opinion on the merits of the case, in like manner as they are now required to submit the same to the Sudder Dewanny Adawlut, and the Board of Revenue, Board of Commissioners, and Board of Trade respectively; and the Governor General in Council, after receiving the report and proceedings submitted by the Commissioners, will proceed in the case, in the same manner as if the said proceedings and report had been submitted by the Sudder Dewanny Adawlut, or one of the said Boards; Provided however, that if, in any case, on consideration of the proceedings and report of the Commissioners, it shall appear to the Governor General in Council necessary that further evidence be taken, or that a further explanation be given by the Commissioners, of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor General in Council to direct the Commissioners accordingly, and the Commissioners shall be authorized and required to take such further evidence, as far as the same may be attainable, and to furnish such further explanation, as may be required.

And to apply to Government for any instructions which they may require.

IV. When a Commission may be instructed as aforesaid to act under the immediate authority of Government, such Commission shall apply to Government for any instructions which they may require in the execution of the duty intrusted to them, for which provision may not have been expressly made by Regulation XVII, 1813, or any other Regulation; and the Governor General in Council will pass such orders on the subject as may appear consonant to the general principles of equity and most conducive to the purposes of substantial justice. And in any case in which any

doubt

doubt or difficulty may arise in the conduct of the investigation, for which it may appear advisable to make provision by a general regulation, the Commissioners shall be competent to prepare the draft of a regulation for the purpose, and to submit it to the Governor General in Council for his consideration and orders.

V. Provided however, that in any case wherein the Commissioners shall entertain doubts of the intent and meaning of any provisions of the Regulations which are or may be in force, they shall submit the point to the Court of Sudder Dewanny Adawlut for their consideration, and shall be guided by the determination passed by that Court.

Upon questions regarding the intent and meaning of any Regulations, the Commissioners to address themselves to the court of Sudder

Dewanny Adawlut, and to be guided by their determination.

VI. Provided further, that whenever Government shall determine that the Commission to be appointed under the provisions of the Regulation above mentioned, shall not be placed under the control of the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or the Board of Trade, such Commission shall in no case consist of less than two persons, one of whom at least shall, in all practicable cases, be selected from among the officers in the Judicial Department of the service.

The Commission in no case to consist of less than two persons, one of whom to be selected from among the officers in the Judicial Department.

A. D. 1817. REGULATION IX.

A REGULATION for rescinding Regulation V, 1815:—Passed by the Vice-President in Council on the 22d of July 1817, corresponding with the 8th Sawun 1224 Bengal era; the 24th Sawun 1224 Fusly; the 9th Sawun 1224 Willaity; the 9th Sawun 1874 Sumbut; and the 7th Rumzaun 1232 Higerec.

THE objects contemplated by Government in enacting Regulation V, 1815, having been successfully accomplished by the restoration of public order and tranquillity in Pergunnah Bogree, in Zillah Midnapore, and by the apprehension and conviction on trial by the Court of Circuit and Nizamut Adawlut of the criminals principally concerned in resisting the authority of Government, and in the commission of acts of violence and outrage, the necessity which existed for suspending the operation of the general Regulations within the limits of that Pergunnah no longer exists; the Vice-President in Council has accordingly been pleased to enact the following rule, to take effect from the date of this Regulation.

Preamble.

II. Regulation V, 1815, is hereby rescinded.

Regulation V, 1815, rescinded.

A. D. 1817. REGULATION X.

A REGULATION for the trial of persons charged with the commission of certain heinous offences in Kumaon, and other tracts of Territory ceded to the Honourable the East India Company by the Rajah of Nepaul, and subject to the British Government:—Passed by the Vice-President in Council on the 22d July 1817; corresponding with the 8th Sawun 1224 Bengal era; the 24th Sawun 1224 Fusly; the 9th Sawun 1224 Willaity; the 9th Sawun 1874 Sumbut; and the 7th Ramzaun 1232 Higerec.

OF the territories ceded to the British Government by the Rajah of Nepaul, under the Treaty of Peace concluded on the 2d day of December 1815, many portions have been since restored to the Native Chiefs, to whose authority they were formerly subject, or have been transferred to the independent authority of other Native chieftains or powers. The portions of territory ceded by the Rajah of Nepaul, which have been retained under the authority and dominion of the British Government, are as follow: viz.

Preamble.

1st, The tract of country called Deyra Doon, heretofore forming a part of Gurhwal.

2d, The Province of Kumaon.

3d, Jounsar, Bawur, Poendur, and Sundokh, and other small tracts of country situated between the rivers Jumna and Sutlege. By the provisions of Regulation 583.

lation

lation IV, 1817, the tract of country denominated Deyra Doon, has been formally annexed to the district of Seharunpore, and the laws and regulations in force in the latter district, have, with certain exceptions, been extended to the Deyra Doon: local circumstances however have rendered it inexpedient that a similar arrangement should at present be adopted in the province of Kumaon, or in the reserved tracts of country situated between the rivers Jumna and Sutlege. The administration of the police, and of civil and criminal justice, with the management of the revenues, as well in Kumaon, as in the several places last mentioned, is conducted by British officers, under instructions issued for their guidance by the Governor General in Council. Embarrassment however having been experienced in the several places above mentioned from the want of a suitable tribunal for the trial of prisoners charged with offences of a heinous nature, the Vice-President in Council, with a view to provide for the due and deliberate investigation of charges of that nature, has been pleased to enact the following rules, to be in force from the period of their promulgation.

The British officers in charge of Kumaon and other tracts of country ceded by the Rajah of Nepal, not to award punishment against offenders charged with certain crimes of a heinous nature.

II. The British officers who now are, or hereafter may be, invested with the charge and superintendence of the police, and with the administration of criminal justice in the Province of Kumaon, or in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, are hereby prohibited from awarding punishment against any persons charged before them with having been concerned, either as principals or as accomplices, in the commission of the following offences, viz: murder, or any species of homicide, not manifestly accidental or justifiable; robbery by open violence, as defined in Section III, Regulation LIII, 1803; violent affrays attended with serious casualties or circumstances of aggravation, treason, or rebellion against the state.

Such offenders how to be proceeded against.

III. If any person subject to the jurisdiction of the British officers above alluded to, whether from local residence, or from the perpetration of a criminal act within the limits of the British territory under their respective superintendence, shall, on due and careful investigation, appear to have been concerned either as a principal or as an accomplice in the commission of any of the crimes above mentioned, such person shall be kept in close custody, and shall be committed to take his trial before a Commissioner, to be nominated and appointed for that purpose by the Governor General in Council.

Commissioner to be appointed by Government.

IV. It shall be the duty of the local officer, immediately on making the commitment, to report the circumstance to the Governor General in Council, who will take the necessary measures for nominating an experienced judicial officer as commissioner to hold trials of this nature, at such time and place as may appear proper, in each instance, or at such stated periods as may be found convenient.

Powers vested in the Commissioner.

V. In the conduct of the trial, the Commissioner will exercise the same powers as are vested in judges of circuit, and will be guided by the spirit and principles of the Regulations in force in the ceded and conquered provinces; provided, however, that it shall not be necessary that any law officer should attend the trial, or that any futwa should be required in such cases.

Commissioner authorized to release the prisoner, if not convicted.

VI. If the Commissioner should be of opinion that the crime charged against the prisoner is not established by the evidence, he shall issue his warrant for the release of the prisoner.

Commissioner to refer the case to the Court of Nizamut Adawlut, if the charge be proved.

VII. If the Commissioner shall consider the crime charged against the prisoner to be established, he shall either refer the case for the final sentence of the court of Nizamut Adawlut, or if the case be within the competence of judges of circuit, under the regulations in force in the ceded and conquered provinces, he shall issue his warrant for the punishment of the criminal.

With a report, and the proceedings on the case.

VIII. If the case shall be referred to the Nizamut Adawlut, it shall be the duty of the Commissioner to forward to that court a full report of the case, together with his own proceedings, and those of the officer by whom the commitment may have been made.

Court of Nizamut Adawlut to pass their final sentence.

IX. On receipt of the proceedings, the court of Nizamut Adawlut will, without requiring any futwa from their law officers, pass such a sentence or order as, on due consideration, they may deem proper and consistent with the spirit and principles of the regulations in force in the ceded and conquered provinces.

X. The

X. The sentence of the Nizamut Adawlut, whether for the release or punishment of the prisoners, shall be issued through the channel of the Commissioner who may have held the trial, and shall be duly enforced by the local British officer by whom the commitment may have been made, or who may at the time be intrusted with the management of the local police.

Sentence how to be carried into effect.

XI. *First.* Whenever a native subject of the British government, charged with having been concerned in the commission of a criminal offence within the territories of any independent state, or chieftain, situated in the vicinity of Kumaoon, or of the reserved tracts of country between the Jumna and Sutlege rivers, shall be apprehended by, or shall be delivered up to, the British officers invested with the charge of the police in those places respectively, the officers in question shall be deemed competent to investigate the charge, and to release or punish the accused under the general powers vested in them by the Governor General in council.

In what cases the local officers may take cognizance of crimes committed within the territories of independent states or chieftains.

Second. Provided however, that if the charge shall be of the nature of any of those described in Section II, of this Regulation, the local officers shall proceed in the manner directed in Sections III, and IV, of this Regulation, and the Commissioner who may be appointed to hold the trial, as well as the court of Nizamut Adawlut, shall in such cases be guided by the provisions of Sections V, VI, VII, VIII, IX, and X, of this Regulation.

The rules contained in certain sections of this Regulation to be considered applicable to such cases.

XII. It shall not be competent to the local officers intrusted with the administration of criminal justice in Kumaoon, and in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, or to any Commissioners who may be appointed under this Regulation, or to the Nizamut Adawlut, to take cognizance of any crime or offence which may have been committed in any part of the tracts of country above adverted to, previously to the 15th May 1815, being the date of the convention by which they were surrendered to the honourable East India Company.

Crimes committed previously to the 15th May 1815, not cognizable by the British officers.

XIII. No part of the Regulations in force in the ceded and conquered provinces, by which the punishment of the crimes specified in Section II, of this Regulation, may be enhanced beyond the punishment ordinarily inflicted for such crimes, according to the former laws and usages in force in those tracts of country, shall be considered applicable to persons convicted of having committed those crimes previously to the promulgation of this Regulation.

Sentence how to be regulated with regard to offences committed between the 15th May 1815, and the period of the promulgation of this Regulation.

XIV. In cases however in which the penalties established by the regulations in force in the ceded and conquered provinces for murder or other species of homicide, robbery by open violence, violent affrays, attended with serious casualties or circumstances of aggravation, or for treason and rebellion against the state, may appear to be more lenient than those to which the offenders would have been subjected under the pre-existing laws and usages of Kumaoon, and of the reserved tracts of territory situated between the rivers Jumna and Sutlege, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th May 1815, and the period of the promulgation of this Regulation.

The preceding note likewise applicable to this section.

A. D. 1817. REGULATION XI.

A REGULATION for modifying certain parts of Regulations XIX, and XXXVII, 1793; and Regulations XLI, and XLII, 1795:—Passed by the Vice President in Council, on the 29th July 1817; corresponding with the 15th Sawun 1224 Bengal era; the 1st Sawun 1224 Fussily; the 16th Sawun 1224 Willaity; the 1st Sawun 1874 Sumbut; and the 14th Shabun 1232 Higeree.

WHEREAS under the rules contained in Regulations XIX, and XXXVII, 1793, and Regulations XLI, and XLII, 1795, the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures, are only cognizable in the courts of judicature, and great delays have occurred in the decision of suits, brought by collectors for the recovery of the public dues, from such lands:—and whereas the provision contained in Sections III, IV, V, VI, VII,

Preamble.

VIII, and IX, Regulation VIII, 1811, and the corresponding Sections of Regulation V, 1813, by which the decision of such cases, in the ceded and conquered provinces, is, in the first instance, vested with the revenue authorities, have been found productive of great advantage, both in facilitating the assertion of the just rights of Government in cases in which the public revenue has been unjustly withheld, and in relieving individuals holding lands free of assessment, by valid titles, from the disquiet of litigation:—and whereas it appears advisable to extend the said provisions to the several districts, placed under the authority of the Commissioner in Behar and Benares; the following Rules have therefore been enacted, to be in force from the date of their enactment, within the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purneah.

Parts of the existing Regulations applicable to the provinces of Behar and Benares, and to the districts of Bhaugulpore and Purneah rescinded: and certain provisions extended to those Provinces and districts.

II. Sections XII, XIII, XIV, XVI, and XIX, Regulation XIX, and Sections VII, VIII, IX, XI, and XIV, Regulation XXXVII, 1793, in as far as they are applicable to the province of Behar, and the districts of Bhaugulpore and Purneah; and Sections XII, XIII, XIV, XVI, and XIX, Regulation XLI, and Sections VII, VIII, IX, XI, and XIV, Regulation XLII, 1795, are hereby rescinded; and the provisions contained in Sections III, IV, V, VI, VII, VIII, and IX, Regulation V, 1813, are hereby extended to the provinces of Behar and Benares, and the districts of Bhaugulpore and Purneah.

What powers and duties are to be exercised by the Commissioner in Behar and Benares.

III. The powers and duties vested by the provisions of the said Regulation in the Board of Revenue shall of course be held and exercised by the Commissioner in Behar and Benares, or other officer exercising the powers of the Board of Revenue in the provinces and districts above mentioned.

Certain suits preferred by the collectors in the provinces of Behar and Benares under the rules in force, to be withdrawn, and the investigation of them to proceed de novo.

IV. All suits which may have been preferred by the collectors in the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purneah, for the resumption of the public revenue, under the provisions of Regulations XIX, and XXXVII, 1793, and Regulations XLI, and XLII, 1795, shall be withdrawn; and the revenue authorities shall proceed to the investigation and decision of the several cases in the same manner and with the same powers as if no suit had ever been preferred.

A. D. 1817. REGULATION XII.

A REGULATION for securing the better administration of the Office of Putwarry in the ceded and conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Putiaspore and its Dependencies:—Passed by the Vice-President in Council, on the 12th August 1817; corresponding with the 29th Sawun 1224 Bengal era; the 15th Sawun 1224 Fusly; the 30th Sawun 1224 Willaitee; the 15th Sawun 1874 Sumbut; and the 28th Ramzan 1232 Higeree.

Preamble.

THE existing Regulations regarding putwarries have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in the division of estates, the adjustment of the revenue to be assessed on their respective shares, the investigation of summary and other suits for rents, the decision of disputes relating to the limits of estates and villages, and the execution of decrees of the Courts of Judicature, in regard to the possession and property of land; the reform of the office appears therefore to be an object of the highest importance; but as for the full attainment of that object the establishment of pergunnah canoongoes is also requisite, it is deemed advisable to confine the operation of the rules to be enacted for the above purpose to those parts of the country in which canoongoes are already established, or in which arrangements are in progress for the revival and organization of that office.—The following Rules have therefore been enacted, to be in force from the date of their promulgation, throughout the ceded and conquered provinces, the provinces of Behar and Benares, the district of Cuttack, the pergunnah of Puttaspoore, and the several pergunnahs dependent on it:

Such of the Regulations in force, as relate to the appointment of Putwarries in certain divisions of the country, rescinded.

II. Section LXII, Regulation VIII, 1793, Section III, Regulation IV, 1794, Section IX, Regulation XXVII, 1795, and Regulation XXIX, 1803, and such parts of Clause IV, Section XXIII, Regulation VII, 1799, Section XXV, Regulation V, 1800, Section VIII, Regulation I, 1801, as refer to the appointment of putwarries,

putwarries, are hereby rescinded in so far as regards the above-mentioned divisions of the country.

III. Every village paying or liable to pay the public revenue shall have a separate putwarry, except in cases where the Board of Revenue, or other authority exercising the power of that Board shall, in consideration of former usage or other sufficient cause, authorize one putwarry to do the duty of two or more villages, or direct two or more putwarries to be established in a single village.

Every village to have a separate putwarry, unless where otherwise directed by the Superintending Revenue Authorities.

IV. All persons at present holding the office of putwarry are to be continued in their situations, subject to removal under the Rules hereinafter prescribed. And all zemindars or other proprietors of any village or villages, paying revenue to Government, or farmers engaging with Government for the public revenue, shall, within three months from the promulgation of this Regulation, transmit to the collector of the district a statement showing the name or names of such village and villages, with the name or names of the putwarry or putwarries of such village or villages.

Putwarries now in office to be continued in their situations, subject to removal under the rules prescribed by this Regulation.

Zemindars within a limited period to furnish the collectors

with the names of villages, and of the putwarries attached to them.

V. In like manner where any village or villages paying revenue to Government shall at present have no putwarry established therein, the zemindar or other landholder or farmer of such village or villages, engaging with Government for the public revenue, shall proceed to nominate a putwarry or putwarries for such village or villages, and shall report such nomination to the collector of the district within three months of the promulgation of this regulation.

How zemindars or landholders are to proceed in the nomination of putwarries for villages where none have been established.

VI. The collectors shall, as soon as practicable, prepare a register of the putwarries in their respective districts, showing the name of each individual, and the village or villages in which he officiates.

Register of putwarries to be prepared by the Collectors.

VII. Whenever a vacancy may occur in the office of putwarry, such vacancy shall be filled on the nomination of the zemindar, or other landholder or farmer, engaging with Government for the public revenue, who is hereby enjoined to report such nomination to the collector of the district within one month after the vacancy has taken place, provided, however, that in such nomination the zemindar or other landholder or farmer shall be generally guided by the custom which may heretofore have prevailed in the village in respect to the succession of putwarries, and shall not deviate therefrom without previously obtaining the sanction of the collector; and it shall be the duty of the collectors carefully to see that this rule is observed, and particularly that the just rights of the inferior putteedars, or sharers in joint undivided estates, and of dependant talookdars, or other under-tenants of the lands, as connected with the appointment of putwarries, are duly maintained.

Vacancies in the office of putwarry to be filled up, on the nomination of the zemindar, &c. Which is to be made within one month after the vacancy has taken place. Rules to be observed by the zemindar, &c. in the nomination of putwarries.

VIII. On receiving the report of the nomination of a putwarry, as directed to be made in the foregoing Section, the collector is to insert the name of the party in the register of putwarries for his district, unless he shall see good and sufficient ground to object to the person so nominated as disqualified for the office,—in which case he is immediately to submit his objections to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, and the Board or Commissioner will decide whether the zemindar or farmer shall be called upon to nominate another person, or pass such other order on the question as may appear just and right.

How the Collector is to proceed on receiving the nomination of a putwarry.

IX. The proprietors of joint and undivided estates engaging jointly for the public revenue, shall be considered jointly and severally bound to furnish the collector with the statement required in Section IV, and to nominate a putwarry in the mode prescribed in Sections V and VII of this Regulation, or to show sufficient cause for their failing to do so.

Rules regarding putwarries, in joint and undivided estates.

X. In estates held khas, and in estates under the superintendence of the Court of Wards, the putwarry shall be appointed by the collector.

Rules regarding putwarries in Khas estates.

XI. Should any zemindar, or other proprietor or farmer, refuse or omit to furnish the statement required by Section IV, or to nominate a putwarry in the cases provided for in Sections V and VII of this Regulation within the time prescribed in those Sections, and shall fail to show good cause for such neglect or failure, it shall be competent to the collector, with the approval of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to

Penalty in cases of refusal or omission to comply with the prescribed rules.

levy a daily fine upon him, until a putwarry is nominated, or with such approval himself to nominate a qualified person for the office.

Zemindars how to proceed whenever they may wish to remove a putwarry from office.

XII. Whenever a zemindar, or farmer engaging with Government for the public revenue, may wish to remove a putwarry from office, he is to state his reasons for so doing to the collector of the district, who, if they appear good and sufficient, will authorize the removal of the putwarry, but not otherwise.

Penalties for removing a putwarry from office without authority.

XIII. Any zemindar, or other landholder or farmer of land, removing a putwarry from office without the authority of the collector, obtained in the mode prescribed in the preceding Section, shall be punished by a fine not exceeding fifty Rupees for the first offence, and one hundred Rupees for the second offence; and if it should appear, on investigation by the collector, that the removal was unjust, and without sufficient cause, the said zemindar, or other landholder, or farmer of land, shall be further subject to a daily fine, with the approbation of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, but not otherwise, until the putwarry be restored.

Putwarries may be removed on sufficient grounds, on the representation of the under tenants.

XIV. Whenever the inferior putteedars or sharers, or the ryots or under-tenants of a village, may petition the collector for the removal of a putwarry, the collector shall direct such removal, and shall call upon the zemindar, or other landholder, or farmer of land, engaging with Government for the public revenue, to appoint another putwarry, provided the reasons adduced for praying such removal appear to the collector good and sufficient, but not otherwise.

Rule of proceeding on occasions when the Collector may desire the removal of a putwarry.

XV. Whenever a collector shall see ground to desire the removal of a putwarry for neglect of duty, or other sufficient cause, he is to state his reasons to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, who will authorize the removal or not, as may seem proper.

Specification of duties to be performed by the putwarries.

XVI. The duties of the putwarry shall be,

1st—To keep such registers and accounts relating to the village or villages to which he is appointed, in such manner and form as has heretofore been the custom, or in such other mode as may be hereafter prescribed by the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, together with such further registers and accounts as may be directed by those authorities respectively.

2nd—To prepare and deliver to the canoongoe of the pergunnah, at the expiration of every six months, a complete copy of the aforesaid accounts, showing distinctly the produce of the Khurreef and Rubbee harvests.

3d—To perform all other duties and services which it has been customary for him to execute.

The superintending revenue authorities to determine on the mode of transmitting and recording the putwarries accounts.

XVII. The Board of Revenue, Board of Commissioners, or Commissioner in Behar and Benares, will determine on the mode in which the accounts, rendered by the putwarry to the canoongoe, shall be brought forward by the latter, and recorded in the office of the collectors.

Rules for the payment of putwarries, and for the adjustment of their allowances in certain cases.

XVIII. The putwarry is to be paid hereafter in the same mode as he is now paid, whether in money, or in grain, or in land, or in any other legal manner whatsoever; but it shall be the duty of the several collectors to complete an account of the mode in which such payment is made, in the different pergunnahs, or other local division of their districts, and to submit the result of their researches to the Board of Revenue, or other authority exercising the powers of that Board; and it shall be competent to the Board of Revenue, or other authority aforesaid, with the sanction of the Governor General in Council, to increase or reduce the amount of remuneration paid to the putwarries, and to alter or modify the mode of its payment, in any case in which sufficient cause for the adoption of such a measure shall exist.

Remuneration to be paid to putwarries in villages where none are now appointed.

XIX. Where no putwarry has hitherto been appointed, the amount of the remuneration to the putwarry who may be appointed under this Regulation, and the mode of its payment, shall be regulated by the collector, with reference to the usage of the adjoining villages.

Rule of proceeding in cases where payment of the established re-

XX. If the remuneration which a putwarry has heretofore regularly received, or which may be assigned to him by the collector, or other competent revenue authority, be

be denied to him by the parties who have hitherto paid it, or who may have been directed to pay it by the said authority, he is at liberty to complain against the person so withholding his dues to the collector, who will proceed to an immediate investigation of the facts, and decide according to the usage of the village; and the collector is hereby authorized to compel payment of the amount due to the putwarry, and to fine the offending party according to his situation and circumstances in life, provided always that the fine in no instance exceed fifty rupees.

muneration to a putwarry may be refused.

Collector empowered to compel payment, and to fine the offending party.

XXI. In all cases in which the decision of the collector is to be governed by usage, it shall be made an invariable rule to insert in the original proceedings on the case the attested report of the canoongoes of the pergunnah, as to the custom or usage in reference.

The local usage of the pergunnah to be reported by the pergunnah canoongoe.

XXII. Collectors of land revenue are hereby empowered to summon the putwarry of any village or villages within their respective districts, whenever there may be occasion for his attendance, on any matter connected with the duties of his office, and to require him to produce all accounts relating to the lands, produce, rents, collections and charges of the village or villages, the accounts of which may be kept by him; and to examine him on oath to the truth of such accounts, and on any other matters relating to such accounts, or regarding the lands, produce, rents, collections, and charges of the village or villages to which the said putwarry may belong.—When a collector shall require the attendance of a putwarry for the purpose above stated, he is to serve such putwarry with a written notice under his official seal and signature, stating the purpose for which his attendance is required, and the papers (if any) which he is to bring with him.

Collector empowered to summon a putwarry when necessary.

And to examine him on oath to the truth of his accounts.

Form of the notice to be issued on such occasions.

XXIII. If any putwarry shall neglect or omit to produce his original accounts on the requisition of a collector, or to give his evidence respecting them, the collector is hereby authorized and empowered to cause the said putwarry to be apprehended, and to order him to be confined in the dewanny jail of the district until he produce his accounts, or show sufficient cause for not producing them. In such cases the putwarry shall be sent by the collector with a roobukaree to the judge of the city or zillah, stating the purport of the order passed against him, and the judge shall, on those grounds, commit the putwarry to jail, and detain him until he produce the accounts, or until the collector applies for his release.

Powers vested in the collector to compel the putwarries to produce their accounts.

Process to be observed on such occasions.

XXIV. In like manner putwarries shall produce all accounts relating to the lands, produce, collections and charges of the village or villages, the accounts of which may be kept by them respectively, and furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice, in any suit that may be depending before the court; and if any putwarry shall neglect or omit to attend with his accounts when required, for the adjustment of any matter or dispute depending in court, the courts are authorized to order such putwarry to be committed to close custody until he produce the accounts, or show sufficient cause for not having produced them.

Putwarries to produce their accounts when required by the courts of justice.

Penalty in cases where a putwarry may neglect or omit to attend with his accounts.

XXV. In any case in which a collector of land revenue shall have occasion to depute an officer to examine the accounts of any village or villages, he is authorized to require the putwarries to attend such officer, and the collector is further empowered to grant to such officer a Commission to swear the several putwarries whose accounts are to be inspected, inserting in the Commission the name of each putwarry to be sworn; and if any such putwarry shall neglect or refuse to attend such officer with his accounts, or to give his evidence respecting them, when duly required to do so by a written notice from the collector, the collector is hereby authorized and empowered to proceed against such putwarry, in the same mode as if he had refused or neglected to attend, or to give his evidence before the collector himself.

Collectors empowered to require the attendance of putwarries on officers deputed to examine village accounts.

And to grant a commission to swear putwarries.

Penalty in case a putwarry shall neglect or refuse to attend on deputed officer.

XXVI. Any putwarry giving intentionally and deliberately a false deposition on oath, when examined before a collector, or the officer of a collector duly empowered to take his examination relative to the lands, produce, collections and charges of the village or villages to which he belongs, shall be held and considered guilty of perjury, and shall be liable on conviction before a Court of Circuit to the penalties which are or may be prescribed for that offence in the Regulations; and any person causing or procuring a putwarry to commit the offence of perjury as above described, is hereby declared guilty of subornation of perjury, and punishable under the provisions of the Regulations.

Putwarries giving deliberately a false deposition on oath declared guilty of perjury, and on conviction before a court of circuit liable to the prescribed punishment.

And persons causing or procuring a putwarry to commit perjury.

jury declared punishable as suborners of perjury.

Putwarries falsifying or mutilating the village accounts, liable to the prescribed punishment of forgery.

XXVII. In like manner, any putwarry who shall alter, fabricate, falsify or mutilate the accounts of the village to which he belongs, or shall furnish to the canoongoe or collector false, fabricated or mutilated copies of those accounts, shall be held and considered guilty of forgery, and shall be liable, on conviction before a Court of Circuit to the penalties which are or may be prescribed for that offence in the Regulations; and any person who shall cause or procure any such forgery shall be liable to the same penalties, as those convicted of having actually committed the offence.

Certain rules in the existing Regulations declared still in force, unless distinctly rescinded, altered, or modified by this Regulation.

XXVIII. The several rules in the existing Regulations, by which proprietors and farmers of lands sold, or ordered to be sold or divided, or under attachment, are required to attend or cause their officers to attend the collectors, or officers deputed by a collector, with the accounts relating to such lands, and by which such landholders and farmers, and their agents, are declared responsible for the fidelity and accuracy of such accounts, are to be held and considered in full force, unless where they may be distinctly rescinded, altered or modified by this Regulation.

Collectors empowered to require the attendance of all native agents of proprietors whose estates are about to be sold, transferred or divided.

XXIX. In like manner, whenever an estate, or the portion of an estate, may be directed to be disposed of at public sale, or may be transferred by the private act of the proprietor or proprietors, or when an estate may be divided pursuant to a decree of a Court of Judicature, or at the request of one or more of the proprietors, or when an estate or portion of an estate may be under attachment, the collector shall be authorized to require the attendance of all descriptions of native agents employed by the proprietors or farmers of such estates or farms, in the management of their lands, or keeping the accounts relating to them, and to examine or cause to them to be examined on oath touching such accounts, in the same manner as he is authorized by Sections XXII, and XXV, of this Regulation, to require the attendance and to take or cause to be taken the examination of putwarries; and if such agents shall refuse or neglect to attend the collector or his officer, when their attendance may be duly required, or to give their evidence, the collector is authorized and empowered to proceed against them in the same manner as is prescribed in the case of putwarries refusing or neglecting to attend.

And may cause them to be examined on oath touching the accounts of those lands. Penalty if such agents shall refuse or neglect to attend on the collector.

Rules contained in Sections XXVI and XXVII, declared applicable to all such native agents.

XXX. Provided further, that the rules contained in Sections XXVI and XXVII, shall be held and considered applicable to all such native agents employed by proprietors or farmers of land, in the management of their estates or farms, or in keeping the accounts relating to them,

How a collector is to proceed in cases not provided for by this Regulation, whenever he may require the attendance of proprietors or farmers with their accounts.

XXXI. Whenever a collector of land revenue, or other officer vested with the powers of a collector, may in any case connected with his public duty, but not provided for in this or any other Regulation in force, have occasion to require the attendance of a zemindar, or other proprietor or farmer of lands, or of the gomashtah, or other officer or agent of such proprietor or farmer, with the accounts of such lands, he shall report the circumstance to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be, subject to one or the other of those authorities, and the Boards, and Commissioner aforesaid, are hereby empowered to grant authority to the collector or other officer aforesaid, to require the attendance of the proprietor or farmer, or of the gomashtah or other officer or agent, with all accounts relating to the lands in their possession or management.

Collector how to proceed on such occasions.

XXXII. A written notice shall in such cases be issued by the collector or other officer to the party whose attendance is required, stating the purpose for which he is summoned, and the papers (if any) which he is to bring with him; and if the proprietor or farmer shall omit or refuse to attend, or cause his officer or agent to attend by the time prescribed in the collector's requisition, with the accounts and information required, the Board of Revenue, Board of Commissioners, and Commissioner in Behar and Benares, (as the case may be,) are authorized and empowered to impose upon him such daily fine, to be payable daily until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine when confirmed by Government is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Penalty for omitting or refusing to attend when summoned.

Under what process such penalty is to be levied.

where the appointment of village putwarries may be considered inexpedient.

impracticable or inexpedient to cause the appointment in any estate or farm of putwarries, in the mode prescribed in this Regulation, as for instance in certain estates consisting

consisting chiefly of hills and forests in the south-western frontier, and in very small meahals, the accounts of which are kept by the proprietors themselves, it shall be competent to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to suspend its operation in such estates, or farms; provided however that in all such cases the person by whom the village accounts are kept, whether proprietor or farmer, or gomashtah or other officer, shall furnish the canoongoe of the pergunnah with such accounts and statements as the collector, with the approval of the Board, or Commissioner, may direct, and shall be subject to the provisions contained in Sections XXII, XXIII, XXIV, XXV, XXVI, and XXVII, of this Regulation, and the proprietors or others by whom they may be employed shall likewise be subject to the provisions contained in Sections XXVI, and XXVII.

XXXIV. No court of judicature shall take cognizance of the complaint of a putwarry against the landholder, or the tenants of a village, for refusing to remunerate his labours, nor shall any court of judicature take cognizance of any complaint against a collector, for, or on account of, any decision passed by him in virtue of the powers with which he is vested by this Regulation.

In what cases the courts of justice are prohibited from taking cognizance of the complaints of putwarries.

XXXV. It shall be the duty of the collectors to furnish the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, with a periodical report of all judgments passed by them under Section XX of this Regulation, and such judgments shall be liable to reversal or alteration by the Board, or Commissioner, at any time within six months after the passing the same, but not later.

Collectors to furnish a periodical report of all judgments passed under Section XX of this Regulation.

Such judgments declared liable to reversal or alteration within six months.

by the Board or Commissioner

XXXVI. All sums adjudged by the collector in favour of a putwarry, under Section XX, and all fines directed to be levied by this Regulation, shall be recoverable by the same processes as arrears of the public revenue, and all such fines when recovered shall be carried to the account of Government.

How sums adjudged and fines levied under the provisions of this Regulation, are to be recovered.

All fines to be credited to Government.

A. D. 1817. REGULATION XIII.

A REGULATION for establishing the office of Canoongoe in the District of Midnapore, and in the Mehals subject to the Authority of the Collector of Hidgellee, and for extending to the said District and Mehals the operation of Regulation XII. 1817:—Passed by the Vice-President in Council on the 26th August 1817; corresponding with the 12th Bhadon 1224 Bengal era; the 29th Sawun 1224 Fusily; the 13th Bhadon 1224 Willaity; the 15th Sawun 1874 Sumbut; and the 12th Sawal 1232 Higeree.

WHEREAS by Regulation V, 1816, provision is made for the establishment of the office of canoongoe in the pergunnah of Puttaspoore and its dependencies: and whereas it has appeared expedient to establish the said office generally throughout the mehals subject to the authority of the collector of Hidgellee, and in the district of Midnapore: and whereas it is likewise advisable to extend to the said district and mehals the operation of Regulation XII, 1817, the following Rules have been enacted, to be in force from the 1st September 1817.

Preamble.

II. Canoongoes shall be appointed in the districts above mentioned, by the collectors of Hidgellee and Midnapore respectively, in the same manner and for the performance of the same duties as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspoore and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended to the district of Midnapore, and to the mehals subject to the Collector of Hidgellee, as far as they may be applicable to those districts.

Canoongoes to be appointed in the district of Midnapore, and in the Mehals subject to the collector of Hidgellee.

III. The provisions of Regulation XII, 1817, are hereby extended to the district of Midnapore, and the mehals subject to the collector of Hidgellee.

Provisions of Regulation XII, 1817, extended to Midnapore, and to the Mehals subject to the collector of Hidgellee.

A. D. 1817. REGULATION XIV.

A REGULATION for amending certain Parts of Regulation II, 1812:—Passed by the Vice-President in Council on the 9th September 1817, corresponding with the 26th Bhadoon 1224 Bengal era; the 14th Bhadoon 1224 Fussly; the 17th Bhadoon 1224 Willaity; the 13th Bhadoon 1874 Sumbut; and the 26th Sawul 1232 Higeree.

Preamble.

WHEREAS it has been found that some inaccuracies of calculation exist in the table N° 2, annexed to Regulation II, 1812, by which the produce of gold bullion is calculated in the Calcutta mint; the following Rules have been enacted, to be in force from the date of their promulgation.

Such part of Regulation II, 1812, as relates to table No. 2, annexed to that Regulation, rescinded.

II. So much of Regulation II, of 1812, as relates to the table of the produce of gold bullion in the Calcutta mint, annexed to that Regulation, is hereby rescinded.

The table of the produce of gold bullion annexed to this Regulation, to be in force in lieu of the table No. 2, alluded to in the preceding

III. Instead of the table referred to in the above Section, the assay produce, duties and net produce of gold bullion delivered for coinage into the Calcutta mint, shall be hereafter calculated agreeably to the table annexed to this Regulation, and the certificates granted by the assay-master shall be made out accordingly.

TABLE OF THE PRODUCE OF GOLD BULLION IN THE
CALCUTTA MINT.

Sicca Weight.	Assay, per cent.	Deduction for worseness.	Allowance for the refining charges.	Total reduction.	Standard quantity.	Assay produce, gold mohurs.	Duty, at 2½ per cent.	Net produce gold mohurs.
100	Br.	0 756	- - -	- - -	100 756	94 829	2 371	92 458
—	Br.	0 630	- - -	- - -	100 630	94 711	2 368	92 343
—	Br.	0 504	- - -	- - -	100 504	94 592	2 365	92 227
—	Br.	0 378	- - -	- - -	100 378	94 473	2 362	92 111
—	Br.	0 252	- - -	- - -	100 252	94 355	2 359	91 996
—	Br.	0 126	- - -	- - -	100 126	94 236	2 350	91 880
—	Standard.	- - -	- - -	- - -	100 0	94 118	2 353	91 765
—	Wo.	0 126	- - -	0 126	99 874	93 999	2 350	91 649
—	Wo.	0 252	0 5	0 752	99 248	93 410	2 335	91 075
—	Wo.	0 378	0 5	0 878	99 122	93 291	2 332	90 959
—	Wo.	0 504	0 5	1 004	98 996	93 173	2 329	90 844
—	Wo.	0 630	0 5	1 130	98 870	93 054	2 326	90 728
—	Wo.	0 756	0 5	1 256	98 744	92 936	2 323	90 613
—	Wo.	0 882	0 5	1 382	98 618	92 817	2 320	90 497
—	1 Wo.	1 008	0 5	1 508	98 492	92 698	2 317	90 381
—	1 ½ Wo.	1 260	0 5	1 760	98 240	92 461	2 311	90 150
—	1 ½ Wo.	1 512	0 5	2 012	97 988	92 224	2 306	89 918
—	1 ½ Wo.	1 764	0 5	2 264	97 736	91 987	2 300	89 687
—	2 Wo.	2 016	0 5	2 516	97 484	91 750	2 294	89 456
—	2 ½ Wo.	2 268	0 5	2 768	97 232	91 512	2 288	89 224
—	2 ½ Wo.	2 520	0 5	3 020	96 980	91 275	2 282	88 993
—	2 ½ Wo.	2 772	0 5	3 272	96 728	91 038	2 276	88 761
—	3 Wo.	3 024	0 5	3 524	96 476	90 801	2 270	88 531
—	3 ½ Wo.	3 275	0 5	3 775	96 225	90 565	2 264	88 301
—	3 ½ Wo.	3 526	0 5	4 026	95 974	90 328	2 258	88 070
—	3 ½ Wo.	3 778	0 5	4 278	95 722	90 091	2 252	87 839
—	4 Wo.	4 030	0 5	4 530	95 470	89 854	2 246	87 608
—	4 ½ Wo.	4 282	0 5	4 782	95 218	89 617	2 240	87 377
—	4 ½ Wo.	4 534	0 5	5 034	94 966	89 380	2 235	87 145
—	4 ½ Wo.	4 786	0 5	5 286	94 714	89 143	2 228	86 915
—	5 Wo.	5 038	0 5	5 538	94 462	88 905	2 223	86 682
—	5 ½ Wo.	5 290	1 0	6 290	93 710	88 198	2 205	85 993
—	5 ½ Wo.	5 541	1 0	6 541	93 459	87 961	2 199	85 762
—	5 ½ Wo.	5 793	1 0	6 793	93 207	87 724	2 193	85 531
—	6 Wo.	6 045	1 0	7 045	92 955	87 487	2 187	85 300
—	6 ½ Wo.	6 297	1 0	7 297	92 703	87 250	2 181	85 069
—	6 ½ Wo.	6 549	1 0	7 549	92 451	87 013	2 175	84 838
—	6 ½ Wo.	6 801	1 0	7 801	92 199	86 776	2 169	84 607
—	7 Wo.	7 053	1 0	8 053	91 947	86 538	2 163	84 375

Sera Weight.	Assay, per cent.	Deduction for worseness.	Allowance for the refining charges.	Total reduction.	Standard quantity.	Assay produce, gold mohurs.	Duty, at 2½ per cent.	Net produce, gold mohurs.
100	7 ½ Wo.	7 305	1 0	8 305	91 695	86 301	2 158	84 143
—	7 ¾ Wo.	7 557	1 0	8 557	91 443	86 064	2 152	83 912
—	7 ¾ Wo.	7 809	1 0	8 809	91 191	85 827	2 146	83 681
—	8 Wo.	8 060	1 0	9 060	90 940	85 591	2 140	83 451
—	8 ¼ Wo.	8 312	1 0	9 312	90 688	85 353	2 134	83 219
—	8 ½ Wo.	8 564	1 0	9 564	90 436	85 116	2 128	82 988
—	8 ¾ Wo.	8 816	1 0	9 816	90 184	84 879	2 122	82 757
—	9 Wo.	9 068	1 0	10 068	89 932	84 642	2 116	82 526
—	9 ¼ Wo.	9 320	1 0	10 320	89 680	84 405	2 110	82 295
—	9 ½ Wo.	9 572	1 0	10 572	89 428	84 168	2 104	82 064
—	9 ¾ Wo.	9 824	1 0	10 824	89 176	83 930	2 098	81 832
—	10 Wo.	10 075	1 0	11 075	88 925	83 694	2 092	81 602
—	10 ¼ Wo.	10 327	1 5	11 827	88 173	82 986	2 075	80 911
—	10 ½ Wo.	10 579	1 5	12 079	87 921	82 749	2 069	80 680
—	10 ¾ Wo.	10 831	1 5	12 331	87 669	82 512	2 063	80 449
—	11 Wo.	11 083	1 5	12 583	87 417	82 275	2 057	80 218
—	11 ¼ Wo.	11 335	1 5	12 835	87 165	82 038	2 051	79 987
—	11 ½ Wo.	11 587	1 5	13 087	86 913	81 800	2 045	79 755
—	11 ¾ Wo.	11 839	1 5	13 339	86 661	81 563	2 039	79 524
—	12 Wo.	12 091	1 5	13 591	86 409	81 326	2 033	79 293
—	12 ¼ Wo.	12 342	1 5	13 842	86 158	81 090	2 027	79 063
—	12 ½ Wo.	12 594	1 5	14 094	85 906	80 853	2 021	78 832
—	12 ¾ Wo.	12 846	1 5	14 346	85 654	80 616	2 015	78 601
—	13 Wo.	13 098	1 5	14 598	85 402	80 378	2 009	78 369
—	13 ¼ Wo.	13 350	1 5	14 850	85 150	80 141	2 004	78 137
—	13 ½ Wo.	13 602	1 5	15 102	84 898	79 904	1 998	77 906
—	13 ¾ Wo.	13 854	1 5	15 354	84 646	79 667	1 992	77 675
—	14 Wo.	14 106	1 5	15 606	84 394	79 430	1 986	77 444
—	14 ¼ Wo.	14 358	1 5	15 858	84 142	79 193	1 980	77 213
—	14 ½ Wo.	14 610	1 5	16 110	83 890	78 955	1 974	76 981
—	14 ¾ Wo.	14 862	1 5	16 362	83 638	78 718	1 968	76 750
—	15 Wo.	15 113	1 5	16 613	83 387	78 481	1 962	76 520
—	15 ¼ Wo.	15 365	2 0	17 365	82 635	77 774	1 944	75 830
—	15 ½ Wo.	15 617	2 0	17 617	82 383	77 537	1 938	75 599
—	15 ¾ Wo.	15 869	2 0	17 869	82 131	77 300	1 933	75 367
—	16 Wo.	16 121	2 0	18 121	81 879	77 063	1 927	75 136
—	16 ¼ Wo.	16 373	2 0	18 373	81 627	76 826	1 921	74 905
—	16 ½ Wo.	16 625	2 0	18 625	81 375	76 588	1 915	74 673
—	16 ¾ Wo.	16 876	2 0	18 876	81 124	76 352	1 909	74 443
—	17 Wo.	17 128	2 0	19 128	80 872	76 115	1 903	74 212
—	17 ¼ Wo.	17 380	2 0	19 380	80 620	75 878	1 897	73 981
—	17 ½ Wo.	17 632	2 0	19 632	80 368	75 640	1 891	73 749
—	17 ¾ Wo.	17 884	2 0	19 884	80 116	75 403	1 885	73 518
—	18 Wo.	18 136	2 0	20 136	79 864	75 166	1 879	73 287
—	18 ¼ Wo.	18 388	2 0	20 388	79 612	74 929	1 873	73 056
—	18 ½ Wo.	18 640	2 0	20 640	79 360	74 692	1 867	72 825
—	18 ¾ Wo.	18 892	2 0	20 892	79 108	74 455	1 861	72 594
—	19 Wo.	19 144	2 0	21 144	78 856	74 218	1 855	72 363
—	19 ¼ Wo.	19 395	2 0	21 395	78 605	73 981	1 849	72 132
—	19 ½ Wo.	19 647	2 0	21 647	78 353	73 744	1 844	71 900
—	19 ¾ Wo.	19 899	2 0	21 899	78 101	73 507	1 838	71 669
—	20 Wo.	20 151	2 0	22 151	77 849	73 270	1 832	71 438
—	20 ¼ Wo.	20 403	2 5	22 903	77 097	72 562	1 814	70 748
—	20 ½ Wo.	20 655	2 5	23 155	76 845	72 325	1 808	70 517
—	20 ¾ Wo.	20 907	2 5	23 407	76 593	72 088	1 802	70 286
—	21 Wo.	21 159	2 5	23 659	76 341	71 850	1 796	70 054
—	21 ¼ Wo.	21 410	2 5	23 910	76 090	71 614	1 790	69 824
—	21 ½ Wo.	21 662	2 5	24 162	75 838	71 377	1 784	69 593
—	21 ¾ Wo.	21 914	2 5	24 414	75 586	71 140	1 778	69 362
—	22 Wo.	22 166	2 5	24 666	75 334	70 903	1 772	69 131
—	22 ¼ Wo.	22 418	2 5	24 918	75 082	70 665	1 767	68 898
—	22 ½ Wo.	22 670	2 5	25 170	74 836	70 428	1 761	68 667
—	22 ¾ Wo.	22 922	2 5	25 422	74 578	70 191	1 755	68 436
—	23 Wo.	23 174	2 5	25 674	74 326	69 954	1 749	68 205
—	23 ¼ Wo.	23 426	2 5	25 926	74 074	69 717	1 743	67 974
—	23 ½ Wo.	23 678	2 5	26 178	73 822	69 480	1 737	67 743
—	23 ¾ Wo.	23 929	2 5	26 429	73 571	69 243	1 731	67 512
—	24 Wo.	24 181	2 5	26 681	73 319	69 006	1 725	67 281
—	24 ¼ Wo.	24 433	2 5	26 933	73 067	68 769	1 719	67 050
—	24 ½ Wo.	24 685	2 5	27 185	72 815	68 532	1 713	66 819
—	24 ¾ Wo.	24 937	2 5	27 437	72 563	68 295	1 707	66 588
—	25 Wo.	25 189	2 5	27 689	72 311	68 057	1 701	66 356
—	25 ¼ Wo.	25 441	3 0	28 441	71 559	67 350	1 684	65 666

Sicca Weight.	Assay, per cent.	Deduction for worceness.	Allowance for the refining charges.	Total reduction.	Standard quantity.	Assay produce, gold mohurs.	Duty, at $\frac{2}{3}$ per cent.	Net produce, gold mohurs.
100	25 $\frac{1}{2}$ Wo.	25 693	3 0	28 693	71 367	67 112	1 678	65 434
—	25 $\frac{1}{4}$ Wo.	25 945	3 0	28 945	71 055	66 876	1 672	65 204
—	26 Wo.	26 196	3 0	29 196	70 804	66 639	1 666	64 973
—	26 $\frac{1}{4}$ Wo.	26 448	3 0	29 448	70 552	66 402	1 660	64 742
—	26 $\frac{1}{2}$ Wo.	26 700	3 0	29 700	70 300	66 165	1 654	64 511
—	26 $\frac{3}{4}$ Wo.	26 952	3 0	29 952	70 048	65 928	1 648	64 280
—	27 Wo.	27 204	3 0	30 204	69 796	65 690	1 642	64 048
—	27 $\frac{1}{4}$ Wo.	27 456	3 0	30 456	69 544	65 453	1 636	63 817
—	27 $\frac{1}{2}$ Wo.	27 708	3 0	30 708	69 292	65 216	1 630	63 586
—	27 $\frac{3}{4}$ Wo.	27 960	3 0	30 960	69 040	64 979	1 624	63 355
—	28 Wo.	28 212	3 0	31 212	68 788	64 742	1 618	63 124
—	28 $\frac{1}{4}$ Wo.	28 463	3 0	31 463	68 537	64 505	1 613	62 892
—	28 $\frac{1}{2}$ Wo.	28 715	3 0	31 715	68 285	64 268	1 607	62 661
—	28 $\frac{3}{4}$ Wo.	28 967	3 0	31 967	68 033	64 031	1 601	62 430
—	29 Wo.	29 219	3 0	32 219	67 781	63 794	1 595	62 199
—	29 $\frac{1}{4}$ Wo.	29 471	3 0	32 471	67 529	63 557	1 589	61 968
—	29 $\frac{1}{2}$ Wo.	29 723	3 0	32 723	67 277	63 320	1 583	61 737
—	29 $\frac{3}{4}$ Wo.	29 975	3 0	32 975	67 025	63 082	1 577	61 505
—	30 Wo.	30 227	3 0	33 227	66 773	62 845	1 571	61 274
—	30 $\frac{1}{4}$ Wo.	30 479	3 5	33 979	66 021	62 137	1 553	60 584
—	30 $\frac{1}{2}$ Wo.	30 730	3 5	34 230	65 770	61 901	1 547	60 354
—	30 $\frac{3}{4}$ Wo.	30 982	3 5	34 482	65 518	61 664	1 542	60 122
—	31 Wo.	31 234	3 5	34 734	65 266	61 427	1 536	59 891
—	31 $\frac{1}{4}$ Wo.	31 486	3 5	34 986	65 014	61 190	1 530	59 660
—	31 $\frac{1}{2}$ Wo.	31 738	3 5	35 238	64 762	60 952	1 524	59 428
—	31 $\frac{3}{4}$ Wo.	31 990	3 5	35 490	64 510	60 715	1 518	59 197
—	32 Wo.	32 242	3 5	35 742	64 258	60 478	1 512	58 966
—	32 $\frac{1}{4}$ Wo.	32 494	3 5	35 994	64 006	60 241	1 506	58 735
—	32 $\frac{1}{2}$ Wo.	32 746	3 5	36 246	63 754	60 004	1 500	58 504
—	32 $\frac{3}{4}$ Wo.	32 997	3 5	36 497	63 503	59 768	1 494	58 274
—	33 Wo.	33 249	3 5	36 749	63 251	59 530	1 488	58 042
—	33 $\frac{1}{4}$ Wo.	33 501	3 5	37 001	62 999	59 293	1 482	57 811
—	33 $\frac{1}{2}$ Wo.	33 753	3 5	37 253	62 747	59 056	1 476	57 580
—	33 $\frac{3}{4}$ Wo.	34 005	3 5	37 505	62 495	58 819	1 470	57 349
—	34 Wo.	34 257	3 5	37 757	62 243	58 582	1 464	57 118
—	34 $\frac{1}{4}$ Wo.	34 509	3 5	38 009	61 991	58 344	1 459	56 885
—	34 $\frac{1}{2}$ Wo.	34 761	3 5	38 261	61 739	58 107	1 453	56 654
—	34 $\frac{3}{4}$ Wo.	35 013	3 5	38 513	61 487	57 870	1 447	56 423
—	35 Wo.	35 264	3 5	38 764	61 236	57 634	1 441	56 193

A. D. 1817. REGULATION XV.

A REGULATION for imposing a Duty on foreign Salt imported by Sea into any Port or Place within the Limits of the Territories immediately dependent on the Presidency of Fort William:—Passed by the Vice-President in Council on the 9th September 1817, corresponding with the 26th Bhadoon 1224 Bengal era; the 14th Bhadoon 1224 Fusly; the 17th Bhadoon 1224 Willaity; the 13th Bhadoon 1874 Sumbut; and the 26th Sawal 1232 Higeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public Revenue, to impose a duty on foreign salt imported by sea into any port or place within the territories immediately dependent on the Presidency of Fort William, the Vice-President in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, has enacted the following Rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Foreign salt, when imported by sea into any port or place within the limits of the territories dependent on the presidency of Fort William, subject to a duty of three sicca rupees per maund.

II. Foreign salt, that is to say, salt made out of the limits of the territories immediately dependent on the Presidency of Fort William, shall, on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of sicca rupees three per maund of forty seers, each seer weighing eighty-two sicca weight.

III. The

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs, on goods or merchandise imported by sea, subject however to the provision contained in the following Section; and any salt imported or landed in breach of the said rules and provisions shall be forfeited, two third parts thereof to the said United Company, and one third part to the person or persons who shall seize, inform, or sue for the same, and shall and may be seized as forfeited by the collector, or any of the officers of the custom-house or customs, or by any of the officers of Government serving in the salt department, to be by them conveyed and deposited in one of the said United Company's golahs or warehouses, or other secure place.

Mode of levying the duty above-mentioned.

Salt liable to forfeiture, on breach of the rules contained in this Regulation

IV. The proprietor or proprietors of salt imported as aforesaid, may, if he or they be so disposed, instead of landing the salt so imported at the custom-house, and paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government customs, on goods or merchandise imported by sea, deliver it on shore at the Company's golahs or warehouse, or such other secure place as shall be approved by the Governor General in Council, and secure and lodge it therein without payment of duty in the first instance; provided, however, that salt so warehoused shall not be removed until the duty imposed by this Regulation shall be duly paid.

Option granted to proprietors to lodge their salt in the Company's golahs or warehouse, instead of landing it at the custom-house, and without payment of the prescribed duty in the first instance. But such salt not to be removed, until the duty shall be duly paid.

V. The importers, proprietors, or consignees of salt, which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the custom-house, clear and take from and out of such warehouses or places all such salt, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Governor General in Council, or such officer as may be duly empowered by him in this behalf, to cause all such salt to be publicly sold or exposed to sale, and after such sale the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such salt shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid but if such price cannot be obtained, then all such salt shall be effectually destroyed by and in the presence of such officer as the Governor General shall appoint.

Salt, lodged or secured as abovementioned to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation. On failure, the salt liable to be sold. And the produce how to be disposed of.

Proviso.

Salt liable to be destroyed.

A. D. 1817. REGULATION XVI.

A REGULATION for imposing a duty on foreign Opium imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William:—Passed by the Vice-President in Council on the 9th September 1817; corresponding with the 26th Bhadoon 1224 Bengal era; the 14th Bhadoon 1224 Fussily; the 17th Bhadoon 1224 Willaity; the 13th Bhadoon 1874 Sunbut; and the 26th Sawul 1232 Higeree.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign opium imported by sea into any port or place within the territories immediately dependent on the Presidency of Fort William, the Vice-President in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Preamble.

II. Foreign opium, that is to say opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, shall on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of sicca rupees twenty-four per seer of eighty Calcutta sicca weight.

Foreign Opium when imported by sea, into any port or place within the limits of the territories, dependent on the Presidency of Fort William, subject to a duty of twenty-four sicca rupees per seer.

Presidency of Fort William, subject to a duty of twenty-four sicca rupees per seer.

Mode of levying the duty above-mentioned.

Opium liable to forfeiture on breach of the rules contained in this Regulation.

Option granted to proprietors, to lodge their opium in the Company's warehouse, instead of landing it at the custom-house, and without payment of the prescribed duty in the first instance. But such opium not to be removed until the duty shall be duly paid.

Opium lodged or secured as above mentioned, to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation. On failure, the opium liable to be sold,

and the produce how to be disposed of.

Proviso.

Opium liable to be destroyed.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs, on goods or merchandise imported by sea, subject, however, to the provision contained in the following Section; and any opium imported or landed in breach of the said rules and provisions shall be forfeited, two third parts to the said United Company, and one third part to the person or persons who shall seize, inform, or sue for the same, and shall and may be seized as forfeited by the collector or any of the officers of the custom-house or customs, or by any of the officers of Government serving in the opium or salt department, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

IV. The proprietor or proprietors of opium imported as aforesaid may, if he or they be so disposed, instead of landing the opium so imported at the custom-house, and paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government customs, on goods or merchandise imported by sea, deliver it on shore at the Company's warehouses, or such other warehouse as shall be approved by the Governor General in Council, and secure and lodge it therein without payment of duty in the first instance; provided, however, that opium so warehoused shall not be removed until the duty imposed by this Regulation shall be duly paid.

V. The importers, proprietors or consignees of opium, which shall have been lodged or secured as aforesaid, shall, within twelve calendar months, to be computed from the date of the production of the manifest at the custom-house, clear and take from and out of such warehouses or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees, shall fail or neglect so to do, it shall be lawful for the Governor General in Council, or such officer as may be duly empowered by him in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such opium shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid, but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Governor General shall appoint.

A. D. 1817. REGULATION XVII.

A REGULATION to provide for the more effectual administration of criminal justice in certain cases:—Passed by the Vice-President in Council on the 16th September 1817; corresponding with the 2d Assin 1224 Bengal era; the 21st Bhadoon 1224 Fusly; the 3d Assin 1224 Willaity; the 6th Bhadoon 1874 Sumbut; and the 4th Ze-Kaadda 1232 Higerec.

Preamble.

THE Regulations in force for the conduct of criminal trials before the courts of circuit, (with the exception of special cases, in which the attendance and futwa of the Mahomedan law-officers are dispensed with), require that the cauzy or moofy be present at the whole of the trial, and on the close of it, write at the end of the record, a futwa or declaration of the Moosulman law, as applicable to the circumstances of the case. The judges of the courts of circuit are further directed to refer to the cauzy or moofy, all questions on points of law that may arise during the course of any trial, and respecting which no specific rules shall have been enacted. In several cases such rules have been prescribed with a view to supply ascertained defects in the Mahomedan law; and in all cases not provided for, wherein the judges of circuit, presiding at criminal trials, may see cause to disapprove the futwa of the law-officers, as appearing contrary to the evidence, or to the principles of justice, they are instructed not to pass any sentence; but, after completing the trial, to transmit the whole of the proceedings, with the futwa of the law-officer, and a letter, stating the grounds of their disapproval, for the sentence of the Nizamut Adawlut. On such reference a further futwa is taken from the law-officers of the Nizamut

Nizamut Adawlut, and the final sentence is then passed by that court. But the existing Regulations contain no provision for enabling the judges of the Nizamut Adawlut to pass a sentence of punishment, when the futwa of the law-officers may not convict the prisoner of the fact or facts charged against him; nor declare him liable, on strong presumption, to discretionary punishment. At the same time the Mahomedan law of evidence, in some cases (especially in those of *Zina*, including adultery, rape and incest,) is such as to render a legal conviction almost impossible; and the law-officers of the Nizamut Adawlut have declared the insufficiency of presumptive evidence to warrant the infliction of punishment in such cases. Conviction of the prevalent crime of perjury has also been found difficult, under the Mahomedan law of evidence, as applied to the proof of this offence; and its exceptions to the competency or credit of witnesses are in some instances inconsistent with the ends of public justice. It is therefore necessary to provide for the more effectual administration of criminal justice in the cases referred to; and some of the existing rules in other cases, connected with the subject, also require explanation and amendment. The following rules have accordingly been enacted, to be in force from the time of their promulgation in all the provinces immediately subject to the Presidency of Fort William.

II. Whenever a person charged with a criminal offence, and brought to trial before a Court of Circuit, shall be acquitted of the charge, by the futwa of the Mahomedan law-officer present at the trial, and the judge before whom the trial may be held, on full consideration of the evidence, and of all the circumstances of the case, shall be of opinion that the proof against the prisoner, whether founded on his free and voluntary confession, or on the testimony of credible witnesses, or on circumstances of strong presumption, is sufficient to convict the prisoner of the whole, or any part of the charge, so as to render him a proper object of punishment, the judge shall not pass any sentence; but, as directed by the existing Regulations, in all cases wherein a judge of Circuit sitting on a criminal trial may disapprove the futwa of the law-officer, shall transmit without delay the whole of the proceedings on the commitment and trial with the futwa of the law-officer, to the court of Nizamut Adawlut; and shall state in a letter to that court the specific crime or crimes which the judge may consider to be established against the prisoner.

Judge of Circuit how to proceed when a person brought to trial before him may be acquitted by the futwa of the law-officer, and the judge of Circuit shall be of opinion that the proof against the prisoner is sufficient to convict him of the whole or part, of the charge, so as to render him a proper object of punishment.

III. On receipt of the proceedings upon trials referred to the Nizamut Adawlut, in pursuance of the foregoing Section, the Mahomedan law-officers of that court shall write their futwa thereupon, as in other trials referred under the general Regulations.

the foregoing Section, as in other referred trials.

Law-officers of the Nizamut Adawlut to write their futwa upon trials, referred to that Court under the foregoing Section, as in other referred trials.

IV. In such cases, as well as in all trials referred to the Nizamut Adawlut, when the futwa of one or more of the law-officers of that court may acquit a prisoner of the whole or any part of the charge preferred against him, and two or more judges of that court, on a deliberate consideration of the evidence and circumstances of the case, shall concur in opinion, that the proof against the prisoner so acquitted, whether founded on his free and voluntary confession, or on the testimony of credible witnesses, or on circumstances of strong presumption, is sufficient to convict him of the whole, or any part of the charge, and that he is in every respect a proper object of punishment, the judges so concurring in opinion are hereby declared competent to convict and pass sentence of punishment upon the prisoner, according to the nature and degree of his offence, and the provisions applicable thereto, in the laws and regulations in force, in like manner as if he had been declared convicted by the futwa of the law-officers.

Power vested in two or more judges of the Nizamut Adawlut, to pass sentence of conviction and punishment, in certain cases, notwithstanding a futwa of acquittal by the law-officers of that Court.

V. If the evidence of a witness on a criminal trial before a Court of Circuit be declared by the Mahomedan law-officer inadmissible, on the ground of the witness being a police-officer, or an officer of Government of any description; or on any other ground of exception in the Mahomedan rules of evidence, which may appear to the judge of circuit unreasonable and insufficient the judge shall cause the examination of the witness to be taken, notwithstanding the exception stated by the law officer; and shall require the latter, on completion of the trial, to declare in his futwa the sentence to which the prisoner would have been liable, if the evidence of the witness or witnesses objected to had been admissible under the provisions of the Mahomedan law. In such cases, however, if the conviction of the prisoner depend exclusively or principally upon the evidence of the witness or witnesses objected to by the law-officer, the judge of Circuit shall not pass any sentence, but shall refer the trial to the Nizamut Adawlut; which Court, after taking a futwa from its law-officer,

Courts of Circuit, how to proceed when the evidence of witnesses may, on insufficient grounds, be considered by the law-officers, to be inadmissible.

is empowered to pass such sentence as may be deemed just and proper, under the preceding Section of this Regulation and the general Regulations in force.

Rule for law-officers of the Courts of Circuit, in delivering their futwas on charges of adultery, rape, and other offences within the provisions of the Mahomedan law for cases of *Zina*, and *Fial-i-shuneca*.

VI. *First*.—In trials before the Courts of Circuit for adultery, rape, or any other offence within the provisions of the Mahomedan law for cases of *Zina* and *Fial-i-shuneca*, the futwa of the law-officer of the Court of Circuit before whom the trial may be held, shall declare only whether the prisoner is legally convicted; or if not, whether there be strong ground of presumption arising from his free confession, or from credible testimony, or from circumstantial evidence, that he is guilty of the crime charged against him.

Sentence to be passed by the judge of Circuit if the prisoner be convicted, or the futwa declare that there is strong presumption of his guilt, and the judge shall concur.

Second.—If the futwa so given shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, and the judge of Circuit, before whom the trial may be held, shall concur in the conviction of the prisoner, or in the presumption of his guilt, so as to render him a proper object of punishment, and the circumstances of the case shall not appear to call for a more severe punishment than what the Courts of Circuit are authorized to adjudge, under the seventh clause of Section II, Regulation LIII, 1803, the judge shall sentence the prisoner to suffer such punishment as may be deemed adequate to his guilt and the nature of the offence, not exceeding corporal punishment of thirty-nine stripes, and imprisonment with hard labour for the term of seven years.

Judge of Circuit how to proceed, if the prisoner be convicted or presumed guilty, of the crime of rape.

Third.—If the prisoner be convicted, or presumed guilty of the heinous crime of rape, the judge of Circuit shall not pass any sentence, but shall refer the trial to the Court of Nizamut Adawlut, for the sentence of that Court, under the general Regulations in force.

What person competent to prefer, and prosecute, a charge of adultery against a married woman.

Fourth.—In cases of adultery it shall be requisite for the conviction and punishment of a married woman that she be prosecuted by her husband; and no other person shall be deemed competent to prosecute, or prefer the charge against her, in such cases.

Explanation of Section III, Regulation IV, 1797, and second clause of Section XV, Regulation VII, 1803, in cases of culpable homicide, not amounting to wilful murder.

VII. A doubt having been entertained whether the provisions contained in Section III, Regulation IV, 1797, and the second clause of Section XV, Regulation VII, 1803, relative to culpable homicide, not amounting to wilful murder, empower the Courts of Circuit to commute the *deyut*, or fine of blood, prescribed by the Mahomedan law in such cases to any period of temporary imprisonment, or whether the discretion of the Courts of Circuit, in the cases referred to, is limited by the general rule contained in the seventh clause of Section II, Regulation LIII, 1803, which restricts the Courts of Circuit, in cases not specifically provided for, from passing a final sentence exceeding corporal punishment of thirty-nine stripes, and imprisonment with hard labour, for the term of seven years; it is hereby explained that the above restriction is applicable to all cases of commutation for *deyut*, on a conviction before a Court of Circuit of culpable homicide, not amounting to wilful murder, under Section III, Regulation IV, 1797; and the second clause of Section XV, Regulation VII, 1803, or any other Regulation in force. If in any instance the above-stated punishment appear insufficient, the judge of Circuit is to refer the trial to the Nizamut Adawlut, as directed in similar cases by Section II, Regulation LIII, 1803.

Second clause of Section V, Regulation LIII, 1803, rescinded.

VIII. *First*.—The second clause of Section V, Regulation LIII, 1803, which contains provisions relative to murder, wounding, and other personal injuries committed in the prosecution of theft or burglary, is hereby rescinded.

Persons convicted of murder, in prosecution of robbery, burglary or theft, to what sentence liable.

Second.—Persons convicted of murder, in prosecution of robbery, burglary or theft, as in all other cases of wilful murder, are liable to a sentence of death by the Court of Nizamut Adawlut, under the laws and regulations in force, which are applicable to such cases.

Persons convicted of robbery by open violence, with or without wounding, or corporal injury, not occasioning homicide, to what sentence liable.

Third.—Persons convicted of robbery by open violence, as defined in the first clause of Section III, Regulation LIII, 1803, when accompanied with wounding or other corporal injury, not occasioning homicide, and likewise when not so accompanied, under the provisions for such cases in Regulations LIII, 1803, III, 1805, and VIII, 1808, are liable, by sentence of the Nizamut Adawlut, to receive thirty-nine lashes with a corah, and to be imprisoned, and transported for life; or, if the offender be a police-officer, or a village watchman required to assist the police-officers in preventing robbery, he is subject to the enhanced punishment declared in such instances of aggravated criminality, by Section IV, Regulation III, 1805.

Fourth.

Fourth. In all cases of burglary and theft, or of theft without burglary, whether in a house or from the person of another, as well as in all cases of robbery, not within the provisions of the Regulations in force for the punishment of robbery by open violence, if the robbery, burglary, or theft, or an attempt to commit the same, be accompanied with an attempt to commit wilful murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well, or by any other means, or be accompanied with wounding, burning, or corporal injury to any person or persons, in such degree as to endanger life, the offender or offenders, who may be convicted, to the satisfaction of the Nizamut Adawlut, of having been concerned as principals or accomplices, in a robbery, burglary, or theft, or in an attempt to commit the same, attended with such aggravated criminality, shall be liable to the same punishment as that prescribed for robbery by open violence; viz. thirty-nine lashes with a corah, and imprisonment, and transportation for life.—The trial in all such cases shall be referred by the Courts of Circuit to the Court of Nizamut Adawlut; and the judge of Circuit, before whom the trial may be held, shall proceed as directed in Section IV, Regulation VIII, 1808, and other Regulations in force, respecting prisoners who are liable to a sentence of imprisonment and transportation for life.—If the judge of Circuit be of opinion that there are grounds for a mitigation of the prescribed punishment he shall state the same for the consideration of the Nizamut Adawlut.

Persons convicted of burglary and theft, or of theft without burglary, or of robbery, not within the provisions for robbery by open violence, to what sentence liable; if the robbery, burglary, or theft, or an attempt to commit the same, be accompanied with an attempt to commit murder; or with wounding or other corporal injury endangering life. Courts of Circuit how to proceed on the conviction of persons tried before them in such cases.

Fifth.—In cases of conviction before the Courts of Circuit of any of the offences specified in the preceding clause, wherein the robbery, burglary, or theft, or an attempt to commit the same, may not have been accompanied with an attempt to commit murder, nor with wounding, burning, or other corporal injury, in such degree as to endanger life, but may have been attended with wounding, or other corporal injury, in a less degree, the judge of Circuit, provided he concur in the conviction of the offender, shall, without reference to the Nizamut Adawlut, adjudge him to suffer such punishment, as may appear adequate to the offence, not exceeding the sentence which the Courts of Circuit are authorized to pass in cases of burglary, by the first clause of Section III, Regulation I, 1811; viz. thirty-nine stripes with a corah, and imprisonment for fourteen years, in banishment from the district where the prisoner may have resided.

Sentence to be passed by the Court of Circuit when the offences specified in the preceding clause may not have been accompanied with an attempt to commit murder; or with wounding, or other corporal injury, endangering life.

Sixth.—Nothing in the above clause shall be construed to empower the Courts of Circuit to pass and order execution of a final sentence of conviction and punishment without reference to the Nizamut Adawlut, in any case of robbery by open violence, as defined in the first clause of Section III, Regulation LIII, 1803; or to authorize an enhancement of the penalties declared by the Regulations in force for burglary, or theft, when not accompanied with wounding, or other corporal injury; nor with an attempt to commit murder by strangling, or other means, as described in the fourth clause of this Section.

of the specified acts of aggravation.

Seventh.—It is, however, hereby declared, in explanation of the first clause of Section V, Regulation LIII, 1803, that the reference therein made to the Mahomedan law in cases of theft, was not intended, and shall not be considered, to preclude the Courts of Circuit from adjudging stripes, not exceeding thirty-nine of the corah or rattan, in addition to imprisonment, not exceeding seven years, when such punishment in aggravated cases of theft may appear just and proper.

Explanation of the first clause of Section V, Regulation LIII, 1803, as not meant to preclude the Courts of Circuit from adjudging stripes, as well as imprisonment, in cases of theft.

IX. First.—The provisions contained in Regulation II, 1807, for the punishment of persons convicted of wilful perjury, or subornation of perjury, or of forgery, or procuring forgery, are hereby declared subject to the following modifications.

The provisions in Regulation II, 1807, for the punishment of wilful perjury, or subornation of perjury, or of forgery, or procuring forgery modified.

Second.—The judge of Circuit, before whom a prisoner may be convicted of any of the offences specified in the above clause, as defined in Regulation II, 1807, or in the present Regulation, provided he concur with the law-officer in the conviction of the prisoner, shall sentence him to be publicly exposed in the mode commonly denominated tusheer, to receive thirty stripes with a corah, and to be imprisoned in banishment from the district, for the period of seven years; or for the term of fourteen years, if the prisoner be convicted of having forged or procured to be forged any counterfeit coin in imitation of any of the gold, silver, or copper coins of the British Governments in India, or of any coin usually received as money in the

Sentence to be passed on persons convicted before the Court of Circuit, of any of the above offences as defined in Regulation II, 1807, or in the present Regulation. Enhanced penalty on persons convicted of having forged, or procuring to be forged, counterfeit coin, &c.

Power of the judge of Circuit, to mitigate the prescribed punishment, to a certain extent, in cases of extenuation.

British possessions in India; or of having forged, or procured to be forged, any counterfeit stamp, or stamped paper in imitation of any public stamp established by the British Governments in India; or any counterfeit note, or other security for money, in imitation of any of the public securities of the British Governments in India, or of the bank notes issued by any public bank in the British possessions in India, unless the judge of Circuit, on consideration of all the circumstances of the case, shall be of opinion, that any part of the prescribed punishment is too severe; in which case he is authorized to mitigate the sentence to imprisonment, with or without tushcer, for any period not less than seven years, in the above-mentioned cases of forgery of counterfeit coin, public stamps, securities, or bank notes, and procuration of such forgery, and to imprisonment, with or without tushcer, for any period not less than three years, in all other cases within the provisions of Regulation II, 1807, and the present Regulation.

If a further mitigation of punishment appears proper, the judge of Circuit to pass sentence according to the preceding clause, and refer the trial to the Nizamut

Third.—If in any instance the judge of Circuit shall be of opinion that a further mitigation or remission of punishment is necessary, he shall, provided he concur in the conviction of the prisoner, pass sentence according to the preceding clause, and refer the trial, with his sentiments at large, for the final sentence or order of the Court of Nizamut Adawlut.

Provision for the punishment of knowingly and fraudulently uttering forged instruments, counterfeit stamp paper, coin, bank notes, promissory notes or other securities for money.

X. *First.*—The provisions of Regulation II, 1807, not including the offence of fraudulently issuing and publishing as true, or otherwise fraudulently giving effect or attempting to give effect, to fabricated deeds and papers, knowing the same to be false and fabricated, or the offence of using, issuing, selling, or otherwise disposing of, or attempting to dispose of, counterfeit stamped paper, bearing the imitation of a public stamp, knowing the same to be counterfeit, or the offence of paying, or tendering in payment, counterfeited coin, bank notes, promissory notes, or other securities for money, knowing the same to be counterfeit, the following additional provisions are enacted for the punishment of these offences respectively.

Sentence to be passed on persons convicted before a Court of Circuit, or Nizamut Adawlut, of any of the above offences.

In cases of an aggravated nature, or a repetition of the offence, after first conviction and punishment, the judge of circuit may adjudge tushcer and stripes.

Rule in cases of a third conviction, after discharge from former convictions.

Second.—If any person shall be convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of any of the offences specified in the above clause, he shall be sentenced to imprisonment for such period, not exceeding seven years, as the judge of Circuit may deem adequate to the nature and circumstances of the case; and shall also, in all instances of an aggravated nature, or of a repetition of the offence, after being once convicted and discharged, be sentenced to public exposure by tushcer. In every instance of a repetition of the offence, after a previous conviction and discharge, the judge of Circuit may further at his discretion, sentence the offender to receive corporal punishment, not exceeding thirty stripes, with a corah or ratan. If a person twice convicted and discharged be again found guilty of any of the offences specified in the preceding clause, and the judge of Circuit shall be of opinion that he ought to be imprisoned for a longer period than seven years, he shall refer the trial, with his sentiments, for the sentence of the Court of Nizamut Adawlut, in pursuance of the seventh clause of Section II, Regulation LIII, 1803.

Provisions in the above clauses, applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silver coin.

Third.—The provisions in the above clause are further declared applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silver coin of the British Governments in India, or any coin usually received as money within the British possessions in India; the whole of which offences in the Regulations for the coinage are already made cognizable by the Criminal Courts, and declared punishable as the law may direct.

Persons convicted before a magistrate, of having in possession counterfeit coin or stamp paper, without lawful excuse, punishable by fine or 3 months imprisonment.

XI. If any person, subject to the jurisdiction of a zillah or city magistrate, shall be convicted of having in his or her possession, without lawful or satisfactory excuse, any counterfeited coin, or stamp paper, bearing an imitation of any current coin, or public stamp, and shall not show good and sufficient cause for having such counterfeit coin, or stamp paper, in his or her possession, the persons so convicted shall be sentenced by the magistrate to pay a fine equal to four times the nominal value of such counterfeit coin or stamp paper in his or her possession, one moiety of which fine shall, on receipt of it, be given to any informer or informers who may have given information of the offence, and established the truth of it. In the event of such fine not being paid, the person convicted shall be confined for such period as the magistrate may direct, not exceeding six months. The counterfeit coin or stamp paper shall also in every instance be forwarded to the mint-master or superintendent of stamps respectively.

XII. *First.*—

XII. First.—Such part of Section III, Regulation II, 1807, or of any other Regulation in force, as directs that offenders, sentenced to imprisonment for a limited period, shall have the crimes of which they are convicted marked on their foreheads by the process of “godna,” is hereby rescinded.

Punishment of godna restricted, in future, to convicts sentenced to imprisonment for life.

Second.—Convicts sentenced to imprisonment for life shall alone be marked by the process of “godna,” in the manner and for the purpose stated in Section XI, Regulation IV, 1797, and Section XXXV, Regulation VII, 1803.

Third.—It shall further be competent to the Court of Nizamut Adawlut to except any prisoners sentenced to imprisonment for life from being marked, as directed in the Sections above mentioned, in cases wherein there may appear to be special reason for such exception.

Nizamut Adawlut empowered, in special cases, to exempt a prisoner sentenced to imprisonment for life from being marked with the godna.

Fourth.—When convicts, sentenced to imprisonment for life, and not specially excepted by the Nizamut Adawlut, may be marked on the forehead as prescribed by Section XI, Regulation IV, 1797, and Section XXXV, Regulation VII, 1803, the magistrate shall cause the operation to be performed early in the morning, and shall adopt precautions to prevent the convict's defacing the inscription in the course of the day. The magistrates are also directed to renew the inscription if defaced so as to become illegible, on the forehead of any convicts under sentence of imprisonment for life.

In what manner the operation of godna, to be performed on persons liable to it.

The magistrates to renew the inscription if defaced.

XIII. First.—In addition to the Rules contained in Sections XXVI, XXX, and XXXIII, Regulation XII, 1817, it is hereby declared, that any person convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having given intentionally and deliberately a false deposition upon oath, or under a solemn declaration, taken instead of an oath, before a public officer authorized to take the same, shall be deemed guilty of wilful perjury, and liable to the punishment of that offence, declared in Section IX of this Regulation, although the deposition so taken may not relate to any judicial proceeding, provided it shall clearly appear to have been given falsely and criminally on a point material to the case in which the deposition may have been taken.

Sentence to be passed on persons convicted before Court of Circuit, or Nizamut Adawlut, of having wilfully given a false deposition on oath, or solemn declaration before any public officer, authorized to take the same.

Second.—Any person convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having procured or caused another to commit the offence described in the above clause, shall be deemed guilty of subornation of perjury; and shall be liable to the punishment of that offence, declared in Section IX of this Regulation.

Persons convicted of causing or procuring another to commit the above offence, shall be deemed guilty of subornation of perjury, and punishable accordingly under Section VI of this Regulation.

XIV. First.—By Section II, Regulation III, 1801, extended to the Upper Provinces by Section III, Regulation VII, 1813, with a view to prevent unfounded and malicious charges of perjury or subornation of perjury, it is provided, that the zillah and city magistrates shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses, or against the witnesses of the adverse party, or charges of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants or witnesses, are declared not liable to any prosecution of this description, unless committed to take their trial by the zillah or city judge. The following additional provisions are now enacted for the more effectual attainment of the object above stated.

Recapitulation of Section II, Regulation III, 1801, and additional provisions enacted, for the more effectual attainment of the objects of that Regulation.

Second.—The rule above mentioned, (with this qualification, that the zillah or city judge may commit to prison, or admit to bail, as he shall think proper, under the discretion given by Section V, Regulation II, 1807,) shall be considered applicable to all allegations of perjury, or subornation of perjury, against parties or witnesses in any civil suit, or any civil proceedings whatever, before the judge or register of a zillah or city court; or before a sudder ameen or moonsiff, or an arbitrator or arbitrators appointed to investigate such suits; or an officer employed by a zillah or city civil court in any local or other inquiry, or in the execution of any civil process. In all such cases the proceedings, on which the charge of perjury or subornation of perjury may be grounded, if not held before the zillah or city judge in the first instance, shall be referred to him by the Register, Commissioner, or other officer before whom the proceedings may have been held, with the sentiments of the Register, Commissioner, or other officer, upon the case; and if the judge be of opinion that there are sufficient grounds for bringing the accused party to trial before the Court of Circuit on a charge of perjury, or subornation of perjury, he shall record his opinion to that effect; and

The rule in the Section and Regulation above cited, with a discretion to the judge, to commit to prison, or admit to bail, declared to extend generally to all allegations of perjury, or subornation of perjury, against parties or witnesses in any civil suit, or any civil proceedings whatever, before any of the authorities herein mentioned.

Mode of procedure when the proceedings, on which the charge of perjury or

subornation of perjury is grounded, may be held before a register, native commissioner, or other officer.

at the same time direct whether the accused shall be admitted to bail or kept in custody. An authenticated copy of the order passed by him, with the whole of the original papers relative to the case, shall then be transferred to the cutcherry of the magistrate, that the order of the judge may be carried into effect, and the case brought before the Court of Circuit, in the same manner as if the charge had been instituted and proceeded upon in the Court of the magistrate.

And in cases wherein the proceedings may be held, before the judges of the Provincial Courts, or of the Court of Sudder Dewanny Adawlut, or any single judge of those Courts.

Third.—If the judges of the Provincial Courts or of the Court of Sudder Dewanny Adawlut, or any single judge of those Courts respectively, in cases within the competency of a single judge, shall be of opinion that there are sufficient grounds, on any civil proceeding before them for bringing a party or witness to trial on a charge of perjury, or subornation of perjury, they shall record their sentiments to that effect; and at the same time direct whether the party accused shall be admitted to bail or kept in custody:—an authenticated copy of the order so passed, with the whole of the original papers relative to the case, shall then be transmitted to the proper zillah or city magistrate, for the purpose of being proceeded upon as stated in the preceding clause.

Restriction against prosecutions of perjury or subornation of perjury of parties and witnesses in the Civil Courts, extended to charges of those offences against prosecutors and witnesses in the Criminal Courts, or before any public officer authorized to hold inquiries into offences of a criminal nature.

Fourth.—The restriction against prosecutions for perjury and subornation of perjury of witnesses and parties in the Civil Courts, unless the officers presiding in these Courts shall be of opinion that there are grounds for such prosecutions, are hereby extended to all charges of perjury, or subornation of perjury, against witnesses and prosecutors in the Criminal Courts, or before any public officer authorized to hold inquiries respecting offences of a criminal nature. Provision is already made by Section VI, Regulation II, 1807, for such cases, when persons attending the session of a Court of Circuit may appear to the judge of that Court to have been guilty of perjury or subornation of perjury. The judges of the Courts of Circuit at the sudder stations of those Courts, and the judges of the Court of Nizamut Adawlut, or a single judge of those Courts respectively, in cases within the competency of a single judge, are further hereby declared empowered to direct the proper zillah or city magistrate to commit to custody, or hold to bail, and to bring to trial at the regular sessions of the Courts of Circuit, any person who from proceedings before the above Courts may appear to have been guilty of the crime of perjury, or subornation of perjury; and the zillah and city magistrates themselves are vested by the Regulations with full authority to commit, or hold to bail, for trial before the Courts of Circuit, all persons who, on their own proceedings, or those of their assistants, may be considered guilty of either of the crimes above mentioned. The magistrates of the several zillahs and cities are therefore prohibited from receiving and acting upon any charges of perjury or subornation of perjury alleged to have been committed in the course of any trial or inquiry of a criminal nature, excepting such as may come before them in the manner provided for by this Section.

Further restriction, when the offence may be alleged to have been committed, before a collector or other public officer.

Fifth.—The zillah and city magistrates are further restricted from receiving and acting upon charges of perjury, or subornation of perjury, alleged to have been committed before a collector or other public officer, unless such officer shall transmit the proceedings held before him, with his opinion that there are grounds for believing such charge to be well founded. In that case, and if the magistrate on inspection of the proceedings, or after making such further inquiry as he may deem necessary, shall be of opinion that there are grounds for bringing the party accused to trial before the Court of Circuit, he shall pass an order to that effect; and shall at the same time direct whether the accused shall be held to bail, or kept in custody till the session of the Court of Circuit.

Provision for the appointment of a public prosecutor, when judged proper by the magistrate, to conduct prosecutions under this Section, before the Court of Circuit.

Sixth.—In all cases provided for by this Section, if there be no private prosecutor to whom the magistrate may judge it proper to leave the prosecution of the case, before the Court of Circuit, he shall appoint the vakeel of Government, or some other qualified person to conduct the prosecution before the Court of Circuit, and shall furnish him with the requisite information and instructions for that purpose.

Section XXIII, Regulation XVI, 1795, and so much of Sections VII and IX Regulation XXI, 1795, as exempts bramins convicted of murder in the province of

XV. By the Laws and Regulations in force throughout the whole of the provinces under this Presidency, except the province of Benares, bramins, in common with all other persons, who may be convicted of the heinous crime of murder, are liable to a sentence of death; but in the province of Benares it is provided by Section XXIII, Regulation XVI, 1795, as well as by Sections VII, and IX, Regulation XXI, 1795, that bramins convicted of murder and liable to a sentence of death, shall, in

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lieu of such punishment, be sentenced by the Nizamut Adawlut to transportation for life. This exemption of bramins in the province of Benares from the legal punishment for murder, to which bramins as well as all other persons are subject in every other part of the country, being obviously repugnant to the principles of equal justice; and having operated to prevent the infliction of adequate punishment in some atrocious cases of murder, which have come before the Benares Court of Circuit and the Nizamut Adawlut; Section XXIII, Regulation XVI, 1795, and so much of Sections VII, and IX, Regulation XXI, 1795, or of any other Regulation in force, as exempts a bramini convicted of murder within the province of Benares, from a sentence of death, are hereby rescinded from the date on which this Regulation may be promulgated. Provided, however, that nothing in this Section shall be understood to render any bramini within the province of Benares, liable to a sentence of death for an offence committed before the promulgation of this Regulation; nor shall the execution of a sentence of death against a bramini take place at a future period within the limits of any spot of ground held sacred by the Hindoos. The magistrates are enjoined to execute all sentences of death against bramins at some convenient place situate without such limits.

Benares from capital punishment rescinded from the date on which this Regulation may be promulgated.

XVI. The provisions contained in Clause Fifth, Section VII, Regulation LIII, 1803, and in Section VIII, Regulation VIII, 1808, for expediting the decision of criminal trials referred to the Nizamut Adawlut in certain cases, having seldom been found available for the purpose intended by them, they are hereby rescinded.

Clause Fifth, Section VII, Regulation LIII, 1803, and Section VIII, Regulation VIII, 1808, rescinded.

XVII. It is provided in Section VI, Regulation VII, 1808, that if a single judge of the Nizamut Adawlut, holding a sitting of that Court upon a criminal trial shall not concur with the judge of Circuit before whom the trial may have been held, with respect to the conviction of the prisoner, he shall not pass sentence until one or more of the other judges of the Court can sit with him upon the trial. This provision, which includes all instances of a difference of opinion upon the guilt or innocence of a prisoner, is now extended to all cases in which the judge of Circuit, before whom the trial shall have been held, may recommend a mitigation of punishment, upon grounds which a single judge of the Nizamut Adawlut, holding the sitting of that Court, may deem insufficient. In such cases, the opinion of a second judge of the Nizamut Adawlut shall be taken upon the mitigation proposed by the judge of Circuit; and in giving such opinion he will examine the proceedings upon the trial as far as may be necessary to enable him to form a judgment upon the stated grounds of mitigation.

Extension of provision contained in Section VI, Regulation VII, 1808, for a sitting of two or more judges of the Nizamut Adawlut, to all cases in which a judge of circuit before whom a trial may be held, shall recommend a mitigation of punishment, upon grounds which a single judge of the Nizamut Adawlut, holding a sitting of that court, may deem insufficient.

Opinion of a second judge of the Nizamut Adawlut, how to be taken in such cases.

XVIII. *First*.—When the judge of a Court of Circuit, referring a criminal trial to the Nizamut Adawlut, shall state circumstances of extenuation, or other special grounds for a mitigation of punishment, in behalf of any prisoner, or prisoners, and a single judge of the Nizamut Adawlut, holding the sitting of that Court, shall concur in the mitigation of punishment recommended by the judge of Circuit, it shall be competent to the judge so concurring to grant the proposed mitigation, and to pass sentence accordingly; in like manner as two judges of the Nizamut Adawlut are declared competent to grant a mitigation, or remission of punishment, whenever it may appear just and proper, under the provisions contained in Section III, Regulation XIV, 1810.

A single judge of the Nizamut Adawlut, concurring with the judge of Circuit before whom the trial may have been held, empowered to grant a mitigation of punishment when it may appear proper, in like manner as two judges of the Nizamut Adawlut are empowered by

Section III, Regulation XIV, 1810.

Second.—A single judge of the Nizamut Adawlut, holding the sitting of that Court on a criminal trial under Section VI, Regulation VIII, 1808, is further declared competent to mitigate or remit any part of the prescribed punishment, if it appear to him just and proper on the grounds stated in Section III, Regulation XIV, 1810, although a mitigation or remission may not be proposed by the judge of Circuit referring the trial; but in such cases the grounds on which a mitigation or remission of punishment may be granted shall be recorded and communicated to the Court of Circuit, for the information of the prisoner or prisoners, as required by the above-mentioned Section of Regulation XIV, 1810.

A similar power may be exercised by a single judge of the Nizamut Adawlut, sitting on a criminal trial under Section VI, Regulation VIII, 1808, although a mitigation or remission of punishment, not proposed by the judge of circuit, referring the trial.

A. D. 1817. REGULATION XVIII.

A REGULATION to modify the Rules in force which prescribe an oath of office to be taken by certain native officers; and to explain and amend other provisions relative to the native ministerial officers and law-officers of the civil and criminal courts:—Passed by the Vice-President in Council on the 16th September 1817; corresponding with the 2d Assin 1224 Bengal era; the 21st Bhadoon 1224 Fusly; the 3d Assin 1224 Willaity; the 6th Bhadoon 1874 Sambut; and the 4th Ze-Kaddu 1232 Higerce.

Preamble

WHEREAS doubts have arisen whether the native record keepers attached to the civil and criminal courts of judicature, as well as the tehveeldars, or native treasurers of those courts, were meant to be included in the description of native officers required to take the oath prescribed by Section IV, Regulation XIII, 1793, (extended to the province of Benares by Regulation XIII, 1795, and re-enacted for the Upper Provinces by Section IV, Regulation XII, 1803; also whether a hullusnamah, or solemn declaration, can, in any instance, be admitted, instead of the oath directed to be taken by the native officers of the civil and criminal courts: and whereas with a view to maintain the sanctity and obligation of an oath, by confining the requisition of it to cases in which an oath may be necessary for the validity of evidence, and due administration of justice, it appears expedient to modify the rules in force, which prescribe an oath of office to be taken by any of the native officers of government; at the same time explaining and amending the existing provisions for a civil action against the law-officers and ministerial native officers of the courts of judicature, in cases of alleged corruption, or extortion, the following rules, including likewise an additional rule for the appointment of the law-officers of the provincial, zillah and city courts, have been enacted, to be in force as soon as promulgated throughout the provinces dependent on the Presidency of Fort William.

Rules in force respecting a prescribed oath to be taken by certain native officers, declared subject to modification.

II. *First*.—Such parts of the Regulations in force as direct that the law-officers, or ministerial native officers of the Court of judicature, civil or criminal, or any other native officers employed in the judicial, revenue or commercial department, or in any public office whatever, shall take and subscribe an oath, previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed, or which in like manner prescribe an oath of office to be taken by the moonsiffs and sudder aumeens, and by the native pleaders attached to the civil courts, are hereby declared subject to the following modification.

A solemn declaration substituted for the prescribed oath in such cases

Second.—Instead of the prescribed oath, which is required by the Regulations in force, the several native officers referred to in the above clause shall hereafter make and subscribe, in open Court or in the established public office, before the judges, boards, collectors, commercial residents and agents, or other European authorities to which they may be respectively subject, a solemn declaration to the same effect with the form of oath heretofore prescribed, except that the word “declare” shall be substituted for “swear;” and that the declarer shall not be sworn thereto.

By whom such declarations are required to be attested, and the above rule to be enforced.

Third.—The judges, boards, collectors, or other European officers before whom such declarations are required to be made and subscribed, shall attest the same as publicly read and subscribed before them, in pursuance of the above clause, and shall be careful to enforce a due observance of the Rule therein contained by the native officers appointed to act under them respectively.

To what native officers the rules so modified are meant to extend.

III. With the modification contained in the preceding Section, the rules in force, which require that certain native officers attached to the civil and criminal Courts of judicature, and to other public offices, shall take and subscribe an oath, solemnly engaging to perform the duties of the office committed to them faithfully and uprightly, according to the Regulations, are hereby declared to extend to the native record keepers and tehveeldars, or native treasurers of the civil and criminal courts, though not specifically named in Section IV, Regulation XII, 1793, and Section IX, Regulation XII, 1803; as well as to all other native officers of Government holding any situation of trust and responsibility in the public service.

IV. The second Clause of Section V, Regulation XII, 1793; the second Clause of Section V, Regulation XI, 1803; Section XXXVII, Regulation IX, 1793, and Section IX, Regulation VII, 1803, with any other provisions in the existing Regulations which require the Mahomedan law-officers of the Civil or Criminal Courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Provisions for an oath to be taken half yearly, by the Mahomedan law-officers of the civil and Criminal Courts rescinded.

V. In modification of the Rules contained in Sections III, and IV, Regulation VIII, 1809, which relate to the appointment of the Mahomedan and Hindoo law-officers of the provincial zillah and City Courts, with a view to admit of the occasional appointment of persons duly qualified, who may not be nominated by the judges of those courts, it is hereby provided, that whenever a vacancy may occur in the station of law-officer to any of the above courts, and the Court of Sudder Dewanny and Nizamut Adawlut, on receiving the prescribed report of such vacancy, shall for any special reason judge it proper to nominate and appoint a fit person to fill the vacant office, without calling for, or adopting, if received, the usual nomination of a person to succeed thereto by the judge or judges of the court in which the vacancy may have occurred; it shall be competent to the court of Sudder Dewanny and Nizamut Adawlut to make such nomination and appointment, recording on their proceedings the special ground on which the appointment so made may be founded, with any information obtained respecting the age, character, past employments and qualifications of the person so appointed to the station of law-officer, whether of a zillah, city, or provincial court.

Modification of existing rules for the nomination and appointment of the law-officers of the provincial, zillah and City Courts.

VI. *First.*—In explanation of the provisions for a civil action against the law officers and ministerial native officers of the Courts of judicature, contained in Regulations XII and XIII, 1793, (extended to Benares by Regulations XI, and XII, 1795; and re-enacted for the Upper Provinces by Regulations XI and XII, 1803;) it is hereby declared that those provisions, the principal object of which is to enable individuals who may be aggrieved by any of the native officers in question, to obtain redress by an action in the Civil Courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which may appear to call for exemplary punishment.

Explanation of provisions in force for a civil action against the law-officers, and ministerial native officers of the Courts of judicature, in cases of alleged corruption or extortion.

Second.—Whenever a law-officer or ministerial native officer, may not, by the result of a civil action, have been subjected to the penalties for corruption or extortion provided for in the above Regulations, and there may appear to be sufficient grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion or embezzlement, he is hereby declared liable to a criminal prosecution before the zillah or city magistrate and Court of Circuit as provided for in other cases of misdemeanor by the Regulations, and on conviction before a Court of Circuit, or the court of Nizamut Adawlut, he shall be subject to discretionary punishment, to the extent and under the provisions stated in Section III, Regulation II, 1813, with respect to native officers convicted of making use of the public money intrusted to their care.

In what cases a law-officer, or ministerial native officer, may be prosecuted in the Criminal Courts on a charge of corruption, extortion, or embezzlement.

And to what penalties liable on conviction.

Third.—Section IV, of the Regulation above mentioned, directing a report of convictions and sentences to the Governor General in Council, for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present Section.

Report to be made to Government in such cases.

VII. *First.*—The Regulations in force not containing any provision for a summary proceeding, to inquire into and recover embezzlements of money, or other property paid into, or deposited in, the Civil or Criminal Courts of judicature, or received by the nazir, khazanchy, or other native officers of those courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity; and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the Civil and Criminal Courts to deliver up any public accounts which may have been kept and withheld by them; the following Rules are enacted for this purpose.

Proceedings to be adopted for the recovery of money or property deposited in the Civil and Criminal Courts, and embezzled by the native officers.

Second.—Whenever any native officer attached to a Civil or Criminal Court, may be charged with having embezzled any money or other property paid into, or deposited in, the court to which he is attached, or received by him in his official capacity, in execution of a decree, or on account of a deposit, or on any other account whatever; or whenever the judge or judges of a Civil or Criminal Court may

A summary inquiry to be instituted in such cases by the judge or judges of the court.

Security to be required for the attendance of the native officer.

Or the officer to be kept in custody.

On proof of embezzlement, the amount how to be recovered.

The same course to be pursued, when public accounts may be withheld by native officers.

A summary appeal may be admitted by the provincial court, from decisions passed in such cases, by the zillah and city judges.

And by the Sudder Dewanny Adawlut, from the decisions of provincial courts;

Provided

have reason to suspect any such embezzlement, on the part of a native officer attached to the court, they shall immediately institute a summary inquiry to ascertain the truth of such charge or suspicion; and shall, at the same time, require the native officer accused, or suspected, to give sufficient security for his attendance during the inquiry. In the event of such security not being given, and of its appearing necessary to keep the officer in custody, pending the inquiry, it shall be competent to the judge or judges to order the same, and to keep the party in custody of peons, or to confine him in the jail of the Dewanny Adawlut, until he shall give the required security, or his detention appear no longer necessary.

Third.—When the summary inquiry has been completed, if it be established thereby, that any money or other property has been embezzled by the person accused, or suspected, in his official capacity, he shall be required to pay the same into court, within such time as may be limited for that purpose; and on his failure to comply with such requisition it shall be recoverable from him, as well as from his surety, if he have given security on account of the office held by him, by the usual process of recovery, in execution of judgments of the Civil Courts.

Fourth.—A similar mode of proceeding shall be observed when a native officer attached to any Civil or Criminal Court of judicature may withhold any public accounts which it is his duty to prepare and furnish, and the summary judgment in such cases shall not only order the immediate delivery of the accounts withheld, but shall also impose such fine to Government as may appear just and proper, on consideration of all the circumstances of the case, and the situation of the party.

Fifth.—Any person dissatisfied with the judgment of a zillah or City Court, given under the provisions of this Section, shall be at liberty to prefer a summary appeal thereupon under the rules applicable to such appeals, to the Provincial Court of the division; and provided sufficient security be given for performing the decree of the Provincial Court, on the appeal, the decision of the zillah or City Court shall not be carried into execution till confirmed by the Provincial Court.

Sixth.—In like manner, if the original summary judgment be passed by a Provincial Court, a summary appeal under the rules applicable to such appeals, shall lie to the court of Sudder Dewanny Adawlut; and the decree of the Provincial Court shall not be executed till it is affirmed by the Sudder Dewanny Adawlut; if sufficient security be given to perform the judgment of the latter court on the appeal.

Seventh.—Provided, however, with respect to all cases decided, in the first instance, by a zillah or City Court, and afterwards determined on appeal by a Provincial Court, that no second appeal shall lie to the Sudder Dewanny Adawlut, except under the prescribed restrictions for second or special appeals in regular suits.—Nor shall final summary judgments, given under the provisions of this Section be open to a further regular suit, but shall be held conclusive upon the merits of all cases so adjudged.

A. D. 1817. REGULATION XIX.

A REGULATION for modifying and amending some of the Regulations in force relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent.—Passed by the Vice-President in Council on the 16th September 1817; corresponding with the 2d Assin 1224 Bengal era; the 21st Bhadoon 1224 Fusly; the 3d Assin 1224 Willaity; the 6th Bhadoon 1874 Sumbut; and the 4th Ze Kadda 1232 Higeree.

Preamble.

WHEREAS it will promote the convenience of persons residing at a distance from the stations of the Provincial Courts, to allow an option of instituting in the zillah and City Courts, for trial in the first instance, original regular suits in which the cause of action may exceed five thousand, but not be more than ten thousand sicca rupees: and whereas it will also be convenient to persons residing at a distance from the zillah and City Courts, and having to sue for small sums within the cognizance of a moonsiff, that

that the moonsiffs appointed under Regulation XXIII, 1814, should be empowered to receive and try suits cognizable by them, in which the cause of action may have arisen within three years antecedent to the institution of the suit, instead of one year as limited by Section XIII, of the Regulation above mentioned: and whereas some of the Regulations now in force for the administration of civil justice, as well as the rules contained in Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800; and Section XXXII, Regulation XXVIII, 1803; for a summary process on account of arrear of rent, have been found to require amendment; the following rules are accordingly enacted for the several purposes above stated, to be in force as soon as promulgated throughout all the provinces immediately subject to the Presidency of Fort William.

II. First.—So much of the Rule contained in the first clause of Section V, Regulation XXV, 1814, and of any other Regulation in force, as provides that all original suits in which the amount or value of the claim calculated in conformity with Section XIV, Regulation I, 1814, and Section XXIII, Regulation XXVI, 1814, may exceed five thousand sicca rupees, shall be instituted and tried, in the first instance, in the Provincial Courts, is hereby declared subject to the following modification.

Parts of former Regulations modified.

Second.—If the amount or value of the claim, calculated according the provisions of the Sections above specified, be more than five thousand, but not exceeding ten thousand sicca rupees, it shall be optional with the plaintiff to institute a regular suit, in the first instance, either in the Provincial Court of the division, under the rules now in force, or in the Dewanny Adawlut of the zillah or city in which the land, house, or other immoveable property, constituting the subject of the suit, may be situated; or if the suit be not for immoveable property, in the Dewanny Adawlut of the zillah or city in which the cause of action may have arisen, or the defendant may reside as a fixed inhabitant when the suit against him is commenced.

Option granted to plaintiff in cases of a certain amount or value, to institute their suits, either in the Provincial Court, or in the zillah or City Courts.

III. First.—The option given by the preceding Section is not meant to extend to any suits already instituted in the Provincial Courts, nor to prevent, in future, an occasional exercise of the discretion vested in the court of Sudder Dewanny Adawlut by the first clause of Section III, Regulation XXV, 1814; viz. if it appear at any time from the pressure of business in a zillah or City Court, that suits depending therein, and exceeding one thousand rupees in amount or value, can be more conveniently and expeditiously tried, in the first instance, by the Provincial Court of the division, than by the zillah or City Court before which they may be depending, to order the transfer of all or any of such suits to the Provincial Court.

Explanation as to the option given to plaintiffs in the preceding Section.

Second.—It shall be competent to any plaintiff or plaintiffs who may have instituted in a zillah or City Court a suit transferable to a Provincial Court under the above clause, to petition the Provincial Court for the transfer of such suit; and if sufficient reason appear for the transfer desired, such as considerable delay in the trial of the suit by the zillah or City Court, the Provincial Court will transmit the petition for the orders of the Sudder Dewanny Adawlut. But all parties in suits instituted in a Provincial, zillah or City Court, under the option given by Section II of this Regulation, are strictly prohibited from instituting a second suit in another court on the same cause of action, under penalty of such second suit being dismissed with costs, and a fine to Government, as declared in similar cases by Section XII, Regulation III, 1793; and Section IX, Regulation II, 1803.

Plaintiffs may petition a Provincial Court for the transfer of a suit instituted in a zillah or City Court.

But prohibited from instituting a second suit in another court, for the same cause of action.

Penalty in such cases.

IV. The provisions contained in Section IV, Regulation XIII, 1808, and in the second clause of Section VII, Regulation XXVI, 1814, relative to suits in which the plaintiff in a zillah or City Court, may state his cause of action as not exceeding five thousand sicca rupees, and the defendant may, in answer, deny such statement, and allege the produce, amount or value, to be such as to render the suit not cognizable by the zillah or City Court shall be considered applicable to suits instituted in the zillah or City Courts as not exceeding ten thousand sicca rupees, under the option given by Section II of the present Regulation.

The existing provisions relative to cases, where the cause of action may be disputed, declared applicable to suits not exceeding two thousand rupees.

V. It being declared in Section XXIII, Regulation XXVI, 1814, that in suits for malgoozary land; not constituting an entire estate distinctly assessed, or a specific proportion of such estate, the value of the land claimed is to be assumed and estimated according to clause third, Section XIV, Regulation I, 1814; and a doubt having been entertained in what manner the rule cited in that clause from Section III, Regulation IV, 1793, and Section III, Regulation III, 1803, should be applied

In suits for malgoozary land, not distinctly assessed, how the value of the property is to be assumed.

to the valuation of malgoozary lands, not distinctly assessed for the public revenue in some cases, particularly in boundary disputes, when the judgment for or against the plaintiff may not occasion any alteration in the public assessment, it is hereby explained, that in all claims to a right of property, or to a permanent tenure of any description, in malgoozary land, not constituting an entire estate distinctly assessed with a sudder jumina payable to Government, or a specific proportion of such an estate, so as to come within the rule prescribed in the first clause of Section XIV, Regulation I, 1814, the value of the land sued for is to be assumed at its computed annual rent produce, as described in Section III, Regulation IV, 1793, and Section III, Regulation III, 1803. If the suit be not for a right of property, or for a permanent tenure, but for a farm leaschold of any denomination, during a limited term, or for any interest in the land during a limited period only; the valuation of the plaintiff's claim in pursuance of the Regulations above mentioned is to be made according to the nearest estimate that can be formed of the actual value of the thing sued for; or if the suit be for damages, the amount in which the plaintiff is endangered.

In cases where the suit is not for a right of property, how the valuation is to be formed.

Right of appeal under Clause 3, Section III, Regulation XXV, 1814.

VI. *First*.—In all original regular suits which may be tried and determined in the first instance by the zillah or City Courts, under the provisions of this Regulation, a regular appeal will lie to the Provincial Court of the division, in pursuance of the third clause of Section III, Regulation XXV, 1814; subject to the general rules in force for such appeals.

Second or special appeals on such cases admissible under Section II, Regulation XXVI, 1814.

Second.—A second or special appeal from the judgments of the provincial courts in such cases will also be admissible by the Court of Sudder Dewanny Adawlut, under the restrictions established by Section II, Regulation XXVI, 1814.

Special appeals allowed in cases, where decrees passed by one or more courts are inconsistent with each other.

VII. *First*.—The restrictive provisions for second or special appeals, prescribed in the first clause of Section II, Regulation XXVI, 1814, allow of such appeals being admitted, when the judgment against which the appeal may be preferred shall appear to be inconsistent with some established judicial precedent: but this is not understood to include the case of two opposite or inconsistent judgments passed by the same court, or by two courts having jurisdiction in the same suit, or in suits founded on a similar cause of action; though in such cases it is obvious that one or both of the opposing judgments should be revised. It is therefore hereby provided, in addition to the grounds on which second or special appeals are declared admissible in the first clause of Section II, Regulation XXVI, 1814, that such appeals may be admitted when the judgment against which the appeal is preferred shall, from the exhibition of another decree of the same court, or of another court having jurisdiction in the same suit, or in a suit founded on a similar cause of action, clearly appear to be in opposition thereto, or inconsistent with such other judgment.

The court receiving an appeal, may proceed, and pass a final judgment, or refer the suit back for revision.

Second.—The court empowered to receive the special appeal in such cases shall be competent either to try the merits of the case, and pass a final judgment thereupon, or to refer the suit back for revision and a further judgment by the court which shall have passed the original decision, or that given on the first appeal.

Stamp-duty to be refunded in cases where appeals are referred for further investigation.

VIII. In the special appeals provided for by the foregoing Section, as well as in all other appeals, regular or special, under the Regulations in force, if the suit in appeal be referred back for further investigation and decision without a judgment upon the merits of the case, the stamp-duty paid by the appellant on his petition of appeal shall be returned to him; and if the appellant or respondent have appointed a pleader, his fee shall be limited to such sum as may be deemed an adequate compensation for his labour, not exceeding one fourth of the established fee in a regular suit.

Limitation as to the fee to be paid to pleaders in such cases.

Provisions rescinded.

IX. *First*.—Sections XXXII and XXXIII, Regulation XXVII, 1814, are hereby rescinded.

Rule for the payment of pleader's fees, in summary appeals and original summary suits.

Second.—The rule prescribed in the eleventh clause of Section III, Regulation XXVI, 1814, relative to the fee receivable by pleaders employed in the summary appeals referred to in that Section shall be hereafter considered applicable to all summary appeals and original summary suits authorized by the Regulations, in which a pleader or pleaders may be employed.

Deposits on account of pleader's fees in such cases not requisite; But fees awarded on the decision of a case

Third.—It shall not be requisite to make any deposit in the first instance for the fees of pleaders employed in summary original suits or appeals. But whatever amount of fees may be awarded to pleaders on the decision of the case shall be paid into the court giving judgment for the same, by the party or parties declared responsible

sible for the payment thereof within such period as may be limited by the court for that purpose, under penalty for default of being compelled to make good, by the usual process of recovery, any additional sum which the court, in consideration of the delay, may judge it proper to award to the pleaders entitled thereto in such cases.

to be paid into court, under penalty of such further sum as the court may direct

X. First.—The rule contained in the third clause of Section XXV, Regulation XXVII, 1814, that for every sum which may be paid by a Civil Court to a vakeel, on account of his fees, he shall give a receipt, written on the stamped paper prescribed in Section XI, Regulation I, 1814, is modified as follows.

Modification of the rule, which requires stamp receipts for pleader's fees.

Second.—When the aggregate amount of fees payable to a vakeel in two or more suits may not exceed sixteen rupees, he shall be allowed to give a consolidated receipt for the total amount, specifying the sum receivable in each suit; instead of a separate receipt for the fee payable in each suit.

If the fees in several suits do not exceed sixteen rupees, one consolidated receipt for the whole to suffice.

XI. The rule prescribed in Section XI, Regulation XXVI, 1814, for the examination of witnesses, whose evidence may be required by the Sudder Dewanny Adawlut, or a Provincial Court, upon distinct written interrogatories to each witness, to be prepared and signed by the parties or their vakeels, having been found productive of delay and inconvenience, when several witnesses are to be examined on a point or points not before investigated, a discretion is vested in the Court of Sudder Dewanny Adawlut, and the Provincial Courts to dispense with a strict observance of the rule above-mentioned in particular cases, when it may appear advisable. But in such cases the zillah or city judge, by whom the witnesses are to be examined, shall be furnished with specific instructions respecting the point or points upon which their evidence is to be taken; and the depositions of the witnesses shall, if practicable, be taken by the judge himself, or by his register, instead of being left to a native officer, as authorized in cases of necessity by Section XI, Regulation XXIV, 1814.

Discretion vested in the Sudder Dewanny Adawlut and Provincial Courts, to dispense with the rule requiring witnesses to be examined on written interrogatories in special cases.

On such occasions the judge to have specific instructions, and to examine the witnesses himself.

XII. By the first clause of Section XIII, Regulation XXIII, 1814, persons invested with the powers of moonsiffs under that Regulation, are empowered to receive and try suits cognizable by them, provided the cause of action shall have arisen within one year previous to the institution of the suit. This period is now extended to three years; and after the promulgation of the present Regulation it shall be competent to moonsiffs, appointed under the provisions of Regulation XXIII, 1814, to receive, try, and determine, any suit cognizable by them, the cause of action in which may have arisen within three years antecedent to the institution of the suit.

Extension of the period prescribed by clause I, Sec. XIII, Regulation XXIII, 1814, for the trial of suits by moonsiffs.

XIII. First.—By Section XXI, Regulation V, 1812, and the second clause of Section II, Regulation VII, 1813, it is provided that suits instituted under Regulation V, 1812, shall, with a view to expedite their decision, be referred, as soon as instituted, for the report of the collector of the district. In some instances, however, a strict adherence to this rule has, from different causes, operated to retard instead of expediting the investigation and decision of the suits in question. The judges of the zillah and City Courts are therefore declared at liberty, in future, on the institution of summary suits under any of the provisions of Regulation V, 1812, either to refer the same for adjustment, and report to the collector of the district, or to investigate and decide such suits themselves, without reference to the collector, or to refer them for investigation and decision to their registers, as may appear most conducive to the speedy trial and determination of the suit in each instance.

The several judges invested with a discretionary power, to try summary suits instituted under Regulation V, 1812.

Or to refer them to the collector.

Or to their registers, as may appear best calculated to ensure a speedy decision.

Second.—The judges of the zillah and City Courts are at the same time enjoined to refer, for the collector's adjustment and report, as heretofore, all suits which are so referable under the Regulations in force; and which the judges themselves, or their registers, may be unable to try and determine without delay.

Such suits however to be referred to the collectors, when the judges or registers cannot decide upon them without delay.

XIV. A question having arisen whether the registers of the zillah and City Courts are competent to refer suits to the collectors for adjustment and report, it is hereby explained, that registers when not officiating as judges are not competent to make such references to the collectors of their own authority. But whenever a regular suit of the nature described in Section XII, Regulation VIII, 1794, and Section II, Regulation VII, 1813, or a summary suit referable to the collector of the district, under Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, Section XXXII, Regulation XXVIII, 1803, Section XXI, Regulation V, 1812, or any other Regulation in force, may be depending before the register of a zillah or City

Registers when not officiating as judges, declared incompetent to refer suits to the collectors.

Rule of proceeding in cases where suits instituted under the existing Regulations may be depending before a register.

Court, and the register shall be of opinion that an adjustment of accounts by the collector will facilitate the investigation, and expedite the decision of such suit, he shall report the same to the judge, who, if he concur with the register, will make the proposed reference to the collector, in the manner prescribed by the Regulations; and on receiving the collector's report will transmit the same to the register before whom the suit may be depending, unless the judge shall think it proper to recall the suit from the register's court, and transfer it to his own, as authorized, for the more speedy administration of justice, or other reason, by Section X, Regulation XXIV, 1814.

Petitions for the arrest of defaulting under-tenants, and their sureties, may be presented to the judge of the zillah or city, in which the defaulter shall at the time reside.

XV. First.—The provisions for a summary process against defaulting under-tenants and their sureties, contained in Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803, suppose the under-tenant and his surety, at the time of a petition being preferred for their arrest, to be within the zillah or city jurisdiction, in which the land for which the arrear of rent is claimed (or the greater part of it, if in two jurisdictions), may be situated, as the summary inquiry provided for could not be regularly or conveniently made in a different jurisdiction; but to prevent an evasion of the authorized process against defaulting under-tenants and their sureties, it is necessary to make further provision for their arrest, when they may not reside, or be found within the limits of the zillah or city in which the land tenanted by the defaulter is situated. It is therefore hereby provided, that whenever a dependant talookdar, khutkinadar, jotedar, or other under-tenant, or the surety of any such under-tenant, from whom an arrear of rent may be due, and who may have failed to discharge the same on demand, may reside, or be in a zillah or city, different from that wherein the land for which the arrear of rent is due may be situated, it shall be competent to the zemindar, or other proprietor or farmer of the land, to whom the arrear of rent may be owing, or his authorized agent, to present a petition specifying the particulars stated in the following clause, and praying for the arrest of the defaulter, or his surety, to the judge of the zillah or city in which the defaulter or his surety may reside or be; and the judge receiving the same shall immediately issue the process of arrest directed in the third clause of Section XV, Regulation VII, 1799, and the corresponding clause of Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803.

Who is immediately to issue the prescribed process of arrest.

What such petition is to contain.

Second.—The petition of arrest to be presented under the above clause, as well as any petitions for the arrest of defaulting under-tenants or their sureties, which may be hereafter presented under the Regulations above mentioned, shall specify, besides the name and residence of the defaulter and surety, and the mehal for which the balance of rent is claimed, the annual jumma of such mehal; the amount demandable for the kists of the current year which may have become payable; the amount received from the tenant or his surety, and the balance actually due for the payment of which the arrest is desired. The petition shall also state whether the arrear claimed has been demanded from the defaulter or his surety, and the result.

How the judge is to proceed, in case a defaulter after such arrest shall not satisfy the party aggrieved.

Third.—If the defaulter or surety against whom process of arrest may be issued under the first clause of this Section be found within the jurisdiction of the judge by whom the same shall have been issued, and after being arrested he shall not pay the arrear demanded, or satisfy the party causing his arrest, and shall in consequence be brought to the local Civil Court, in pursuance of the Rule contained in the Regulations before noticed, the judge shall call upon him to show cause why he should not be sent to the judge of the zillah or city in which the land for which the arrear is claimed (or the greater part of it, if in two jurisdictions) may be situated; and if sufficient cause be not assigned, or substantial security given for attending the judge of the jurisdiction in which the land is situated within a limited period, the party arrested shall be sent in custody of mohussil peons (at the charge of the party claiming the arrear) to the judge of the zillah or city in which the land may be situated. A statement of the case, with the original petition of arrest, and all other papers connected with it, shall at the same time be transmitted for the information of the judge to whom the party in arrest may be sent in such cases. The petition of arrest, and all papers connected with it, shall likewise be sent to the judge of the zillah or city in which the land may be situated, whenever the party arrested may assign sufficient cause for not being sent as directed; or may give security for his attendance, which shall be accepted whenever substantial security may be offered.

Or shall not furnish security for his appearance before the judge of the zillah, on which the land is situated.

What documents are to accompany the defaulter on such occasions.

In cases where security is furnished, the petition of arrest and papers connected with it, only to be forwarded.

Fourth.

Fourth.—When a defaulting tenant or his surety may be brought to the court of the zillah or city in which the land is situated, or may attend under security for his appearance, in pursuance of the foregoing clause, the judge shall proceed, as directed in similar cases, by the Regulations in force, when the defaulter or surety may have been arrested within his own jurisdiction.

Judge of the zillah or city where the land is situated will then proceed against a defaulter as directed by the Regulations.

XVI. *First.*—Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803, not containing any provisions for admitting alleged defaulters or their sureties to bail, whilst the prescribed summary inquiry is depending before the judge, register or collector; the following additional rule is enacted for the guidance of the zillah and City Court in such cases.

Rule for admitting defaulters and their sureties to bail.

Second.—Whenever a dependant talookdar, kutkinadar, or other under-tenant of land or his surety, may be arrested on the demand of an arrear of rent, under the summary process authorized by the Regulations specified in the preceding Section, and may deny that the arrear demanded, or any part of it, is owing, and such under-tenant or surety shall tender sufficient security for his personal attendance during the prescribed summary inquiry, it shall be competent to the judge to receive such security, and to admit the tenant or surety to bail until the inquiry directed to be made in such cases, by examining the accounts and vouchers of the parties, or by referring the case for adjustment to the collector of the district, shall be completed, and a decision passed thereupon.

Judge on receiving sufficient security may during a summary inquiry admit a defaulter or surety to bail.

A. D. 1817. REGULATION XX.

A REGULATION for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of darogahs and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages.—Passed by the Vice-President in Council on the 7th October 1817; corresponding with the 23d Assin 1224 Bengal era; the 12th Assin 1225 Fussily; the 24th Assin 1225 Willaity; the 12th Assin 1874 Sumbut; and the 25th Zekaad 1232 Higerce.

WHEREAS it is desirable that the several rules which have from time to time been enacted respecting the duties of the darogahs and other subordinate officers of police should be revised; and that such provisions as may be necessary should be framed into one regulation, for the better information and guidance of those officers; and whereas it is expedient that the rules at present in force regarding the resistance or evasion of criminal process should be modified; that the proprietors and farmers of land and their local managers, and the munduls, putwarries, and other heads of villages, should be declared responsible for reporting unnatural or suspicious deaths, and for affording due information to the police whenever any individual of suspected conduct, released from the criminal jail, may resort to dishonest means of livelihood; also that they should be declared liable to penalties for neglecting to afford due aid in supporting the processes of the magistrates and darogahs of police; and that further provision should be made for transmitting the thannah reports and other papers to and from the magistrates court where there may not be any public dawks, the following rules have been enacted, to be enforced on their promulgation throughout the provinces subject to the Presidency of Fort William.

Provisions of Regulations rescinded.

II. *First.*—Sections VII, VIII, IX, XI, XII, XIII, XIV, XV, XVII, XVIII, XIX, and XXI, of Regulation XXII, 1793; the Seventh Clause of Section XX, Regulation XXIX, 1793; the Seventh Clause of Section X, Regulation XXXI, 1793; Sections VII, VIII, IX, XI, XII, XIII, XIV, XVI, XVII, XVIII, and XIX, of Regulation XVII, 1795; Section IX, of Regulation IV, 1797; Section VI, of Regulation IV, 1798; the Third Clause of Section XI, Regulation VI, 1801; Section VII, Regulation XXXII, 1803; Sections VII, VIII, IX, XI, XII,

Provisions of regulations rescinded.

XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, and XXV, of Regulation XXXV, 1803; the Seventh Clause of Section X, Regulation XXXVII, 1803; Sections V and VI, of Regulation XLI, 1803; Sections XII, XIII, XV, XVI, XVII, and XVIII, of Regulation IX, 1807; Sections IX and XII, of Regulation XIV, 1807; Sections VI and VII, of Regulation XVII, 1810; and Sections II, and VII, of Regulation VII, 1811, are hereby rescinded.

Provisions of regulations rescinded.

Second.—So much of Sections X and XVI, Regulation XXII, 1793; Sections X and XV, Regulation XVII, 1795; Section IX, Regulation VII, 1799; Section III, Regulation IV, 1800; Sections X and XVI, Regulation XXXV, 1803; Section XIV, Regulation IX, 1807; and Section XI, Regulation I, 1811; as respects the police darogahs or other subordinate officers of the police, is also rescinded.

Appointment and removal of Police-Officers.

Appointment and removal of police-officers in whom vested.

III. First.—By the provisions of Regulation XVII, 1816, the zillah and city magistrates (and in certain cases, the superintendents of police) are vested with the power of appointing the cotwals, darogahs and other subordinate officers of the police, of removing them from one station to another, and of suspending and dismissing them from office in consequence of neglect, misconduct, or incapacity.

Cutwal and darogahs, not to nominate subordinate police-officers, except when especially directed.

Second.—Such part of Section XII, Regulation V, 1814, as relates to the nomination and removal of naebhs, jemadars and burkendauzes, acting under cutwals and darogahs, is hereby rescinded, nor shall the cutwals or darogahs nominate individuals to supply vacancies in their subordinate establishment, except in instances in which they may be especially directed to do so by the magistrate.

Sunnud to be furnished by magistrates to police-officers, on their appointment.

Third.—The magistrates will furnish to each police-officer on his appointment, a written document under his official seal and signature, specifying the station to which the officer is appointed, and requiring him to perform the duties of it, in conformity with the regulations.

Relative rank and general functions of Officers on the Thannah Establishments.

General duties of darogahs, and their control over the subordinate thannah officers.

IV. First.—The darogahs of police shall exercise a general control over the mohurers, jemadars and burkendauzes attached to their respective thannahs; it shall be the duty of a darogah, or other officer of police in charge of a thannah, to conform to all instructions he may receive from the magistrate, to whom he may be subordinate; to preserve the peace within the limits of his jurisdiction; to report to the magistrate all occurrences connected with the police, which may come to his knowledge; to prevent, as far as possible, the commission of all criminal offences; to discover and apprehend offenders; to execute process, and obey all orders transmitted to him by the magistrate, and to perform such other services as are prescribed in the regulations.

Rank and special duties of the mohurer.

Second.—The mohurer shall be considered the second officer at a thannah, and in the absence of the darogah from his station shall exercise the powers vested in that officer by the provisions of this regulation. It shall be the special duty of the mohurer to preserve the records of the thannah, and to write the reports and other papers under the direction of the darogah.

Rank and special duties of the jemadar.

Third.—The jemadar shall be considered as the third officer at a thannah, and in the absence of the darogah and mohurer from the thannah station shall exercise the same powers as are vested in the darogahs of police by the provisions of this regulation. The police jemadars, whether stationed at the thannahs, or at out-posts, shall act under the orders of the darogah of the division, and shall see that the burkendauzes are in attendance at their posts, that their arms and accoutrements are kept in a state of efficiency; and that all prisoners and property brought to the thannah are duly guarded during the time they may remain under the custody of the police burkendauzes attached to the station.

Police-officers generally to obey the orders of the superintendents of police, and joint and assistant magistrates.

Fourth.—The officers of police, in pursuance of Sections VI, and VII, Regulation X, 1808; Sections VIII, XI, and XII, Regulation XVI, 1810; and Section XI, Regulation XVII, 1816, are required to aid and support the superintendents of police, and the joint and assistant magistrates, to whom they may be respectively subordinate, in the execution of any process issued by them under their official seals and signatures; also to furnish the superintendents of police, and the joint and assistant magistrates, with every information required from them, as well as generally to

to obey all orders issued to them by the superintendents of police, and by the joint or assistant magistrates, on pain, in case of neglect or failure, of being fined, suspended, or dismissed from office, under the authority, or at the representation of the superintendent of police, or joint or assistant magistrate, according to the provisions established by the general regulations for the punishment of offences of that description.

Rules regarding the use of the Seal of Office at each Thannah, and the Badges, Arms and Accoutrements of the Police Burkundauzes.

V. *First.*—All cutwals and police darogahs shall henceforward use a brass seal of office, an inch in diameter, and made after the form described in the margin, the name of the cutwalee or thannah, and the name of the city or zillah in which it may be included, being engraved on the surface of the seal.

Cutwals and police darogahs, to use a seal of office. Its description.



Second.—The police burkundauzes shall wear brass badges, engraved with the name of the police-station, and of the district in which they may be employed; and shall be armed with a spear, and a sword and shield; or with a matchlock, sword and shield, or with a spear and matchlock, as circumstances may render expedient; they shall also be uniformly dressed in such manner as may be prescribed by the court of Nizamut Adawlut through the superintendent of the police.

Burkundauzes to wear a certain badge; its description. Their arms and uniform.

Powers and duties of Police-Officers employed at out-posts.

VI. *First.*—Police-officers stationed with the sanction of the zillah or city magistrate, at any chokee, village, ghaut, highway, or other place within the limits of a thannah, in pursuance of Section VIII, Regulation XVII, 1816, shall be guided by the following rules as prescribed in that section.

Police-officer stationed at out-posts, how to be guided.

Second.—Jemadars, burkundauzes and other police-officers stationed at out-posts, or subordinate chokees, shall act under the control of the darogah or head police-officer of the thannah to which they may be attached, and shall afford their aid for the prevention of crimes, the apprehension of criminals, and generally for the preservation of the peace, and shall report to the thannah all occurrences relating to matters of police which may come to their knowledge.

Officers so stationed, to perform their prescribed duties, under the control of the darogahs.

Third.—The officers of police stationed at out-posts shall be competent to apprehend, without a written charge or warrant, persons found in the act of committing a breach of the peace, or against whom a hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, or who may be liable to apprehension, under the rules in force, as proclaimed, or notorious robbers, or vagrants, without any ostensible means of subsistence; but no person shall be arrested by the subordinate officers of police except in cases of the nature above noticed, unless under the special warrant of the magistrate, or of the darogah of the thannah to which the out-post may be attached.

They may apprehend certain description of criminals, without a warrant from magistrate or darogah.

Fourth.—Persons apprehended by the subordinate establishments of police shall be forwarded immediately to the thannah to which the out-post may belong, accompanied by an explanation of the circumstances of the case, and of the causes which may have led to the apprehension of the prisoner.

Persons so apprehended to be forwarded immediately to the thannah, with a report on the cases.

Rules regarding the application of Police-Officers for leave of Absence, and the deputation of Burkundauzes to the Sudder Station.

VII. *First.*—Any police darogah, mohurrer, or jemadar, applying for leave of absence, shall name an individual for the approval of the magistrate, to officiate for him during his absence, and the person who may be appointed to act shall receive, during his absence, the entire allowances of the police-officer for whom he may officiate, or such part thereof as the magistrate shall, in each instance, judge it proper to fix. The burkundauzes shall submit their applications to the magistrate through the darogahs; and the persons nominated to act during their absence, shall receive the entire salaries of the individuals for whom they may officiate, or such part thereof as may be fixed by the magistrate. In the event of the absentee's exceeding the period of his leave, the darogah shall report the circumstance for the orders of the magistrate.

Appointment and salary of persons officiating for police-officers, how to be regulated.

Burkundauzes dispatched to magistrate's court shall be provided with a certificate.

Appendix N^o. 1.

Which is to be presented to the Nazir, who shall report any delay.

Burkundauzes how to proceed on leaving the sudder station.

Second.—Whenever a burkundauze may be dispatched to the magistrate's court, the jemadar or other police-officer by whom he may be dispatched shall deliver to him a certificate, showing the name of the burkundauze, and the date and time of his dispatch, agreeably to the first three columns of the form No. I. of the Appendix.

Third.—On the arrival of the burkundauze at the sudder station he shall proceed to the nazir of the fouzdarry court, who will insert in the fourth column of the paper the date and hour of his arrival, and in the event of any unnecessary delay appearing on comparing the date of his dispatch from the thannah with that of his arrival at the sudder station, will report the circumstance to the magistrate.

Fourth.—On the departure of the burkundauze from the sudder station he shall again proceed to the fouzdarry nazir, who will note in the fifth column the date and time of his departure, and on his arrival at the thannah station the certificate shall be delivered up to the darogah, mohurer or jemadar, who in the event of the burkundauze having loitered on the road will report the particulars for the orders of the magistrate.

Records to be kept and preserved at the Thannah.

Police darogahs and mohurers carefully to preserve and to promulgate all regulations of government sent to their thannahs.

Rules for the care, preservation and inspection of the thannah books and registers.

VIII. First.—The police darogahs and mohurers are enjoined to bind up, separately from all other records, and to preserve with care, the several regulations of Government which may be sent to their respective thannahs; and they shall also cause the same to be publicly read for general information, and shall take every favourable occasion of promulgating the rules therein contained.

Second.—The books and registers alluded to in the following Clauses of this Section shall be kept up with regularity at the several police thannahs; and darogahs and mohurers, on their appointments to police stations, are required to inspect the records, and to report to the magistrates on the general state of the thannah papers, within ten days after receiving charge. Every police darogah, or thannah mohurer, receiving charge of the records of a police-station, shall sign a list of the records delivered over to him, which shall also be signed by the officer delivering over charge; and the list so authenticated by their joint signatures shall be transmitted to the magistrate. An exact counterpart authenticated in the same manner shall also be kept at the thannah. The magistrates and their assistants, and the joint magistrates who may occasionally visit the thannahs, shall avail themselves of any opportunities that may offer to inspect the records, and in the event of their being found deficient, or of any gross neglect in the care of them, the police darogah and mohurer who may appear culpable, will be liable to dismissal, or to a fine, according to the circumstances of the case.

Darogahs to be furnished with blank books for diaries.

In these, every occurrence to be entered.

What circumstances to be entered when prisoners are apprehended.

The purport of every petition, &c. to be entered.

Penalty for darogah's wilful omission or misrepresentation of any official act.

Third.—The police darogahs shall severally be furnished with blank books for diaries, each book containing 100 pages, to be signed and numbered by the magistrate's assistant, if on the spot, or in his absence by the scriishtadar, or other head ministerial officer of the magistrates court.

Fourth.—Every occurrence which may be brought to the knowledge of the officers of police shall be entered in the thannah diary, on the day on which the event may be communicated to the thannah, and if no incident shall be communicated it shall be so noted in the diary.

Fifth.—The darogahs shall enter in their diaries the names of all persons whom they may apprehend, the crime or misdemeanor with which they may be charged, the date of their apprehension, and the date on which they may be dispatched to the magistrate.

Sixth.—The purport of every petition, representation, complaint, or information presented to any officer of police, shall be recorded in the diary of the thannah, whether the same may be cognizable by the native officers of police or otherwise; and if it be proved that a darogah has apprehended any persons, or issued orders, or done any official act which he may not have inserted and truly stated in his diary, or that any occurrences have been wilfully omitted, he shall be punished with dismissal from office or by such other penalty as the circumstances of the case may appear under the general regulations to require.

Seventh.

Seventh.—Every entry made in the diary shall be attested by the signature of the individual by whom it may be recorded.

Entries, how to be attested.

Eighth.—The darogah, or other officer of police presiding at the thannah, shall be careful to report to the magistrate, at least a month before their diary books are likely to be written through, in order that fresh blank books may be furnished to the thannah without delay, and those diary books which may be completed shall be deposited in the records of the thannah.

Rules for furnishing new diary books, when required.

Ninth.—A book shall be kept, containing copies of all urzees, kyfeuts, reports and returns, made by the officers of the thannah establishments to the magistrate's court.

A book to be kept, containing copies of reports, returns, &c.

Tenth.—A book shall be kept, containing copies of all perwannahs and orders of every description received from the magistrate's court.

A book to be kept, containing copies of perwannahs and orders.

Eleventh.—A book shall be kept, containing copies of all chelauns or dispatches of prisoners and property forwarded to the magistrate's court, drawn out agreeably to the forms Nos. 2 and 3 of the Appendix.

A book to be kept, containing copies of chelauns.

Twelfth.—An abstract register shall be kept of robberies and other heinous offences, ascertained to have been committed within the jurisdiction of the thannah, in each month, drawn out after the form No. 4, of the Appendix.

A book to be kept, containing copies of register of heinous offences.

Thirteenth.—A book shall be kept, containing copies of all lists of stolen property delivered into the thannah by prosecutors or others.

A book to be kept, containing copies of lists of stolen property.

Fourteenth.—A register shall be kept, according to the form No. 5, of the Appendix, of offenders who may have been proclaimed, or may have broken jail, or have otherwise eluded the pursuit of justice, and for whose apprehension orders may have been received at the thannah from the magistrate's court.

A book to be kept, containing copies of proclaimed offenders.

Fifteenth.—A list shall be kept of the names of the villages comprised within the limits of the thannah, showing the names of the proprietors and of the village watchmen, agreeably to the form No. 6, of the Appendix.

A book to be kept, containing copies of a list of villages comprised within the thannah jurisdiction.

Rules regarding returns, reports and statements to be sent to the Magistrates, or to the Superintendents of Police.

IX. First.—An extract from the thannah diary, in lieu of the buhee silahcut at present in use, and from the abstract register of robberies, and other heinous offences, No. 4, above prescribed, containing the entries made during the month, shall be prepared verbatim, and transmitted to the office of the magistrate, on or before the 5th of every ensuing month.

What abstracts and other documents shall in future be transmitted to the magistrate.

Second.—Together with the monthly reports to be transmitted to the magistrate as above directed, the darogahs of police shall forward, under their official signature, and in charge of a burkundauze, a list of the police-officers on the thannah establishment entitled to receive pay from Government for the past month, after the form No. 7, of the Appendix. This list, the burkundauze will deliver to the treasurer of the fouzdaree court, on his receiving the pay of the thannah establishment, which shall forthwith be conveyed to the darogah, or other police-officer in charge of the thannah, who will pay the amount due to the several individuals of the establishment, and transmit their receipts with his own, in a paper, corresponding in substance with the form above mentioned, to remain with the records of the magistrate's court.

A list of the thannah officers entitled to pay, to be sent monthly to the magistrate. Rules for their payment.

Third.—In preparing the abstract monthly statements of heinous offences according to the form No. 4, of the Appendix, the darogahs shall pay strict attention to the following rules.

Rules to be observed in preparing abstract monthly statements of heinous crimes.

Fourth.—The darogahs shall, as far as may be in their power, distinguish wilful and malicious murder (kutli-umd) from every other species of homicide, reporting all cases of murder not accompanied with robbery or burglary under the 5th head, and cases of homicide of every other description, excepting homicide in affrays, under the 11th head of the statement.

Wilful murder to be particularly distinguished. Rules for the classification of homicide, not wilful.

Malicious wounding
injuring; simply,
how to be classed.

Fifth.—Under the 6th head the darogahs shall insert all cases of wounding, or violent corporal injury inflicted maliciously, and not in the prosecution of robbery or burglary, or during an affray.

Affrays attended
with wounding or
killing, or violent
breach of public
peace, how to be
classed.

Drunken broils and
assaults not to be in-
cluded under that
head.

All cases of entering
or breaking into, at
any time, or by any
means, houses, boats,
&c. with intent to
rob, how to be
classed.

Sixth.—Under the 12th head of the statement all affrays and riots shall be entered, in which any considerable number of persons may have been concerned, or in which any person may have been killed or wounded, and the public peace may have been disturbed; but it shall not be necessary to include in this column cases of assault and battery, or drunken broils, in which only a few individuals may have disputed, and no very serious personal injury may have been sustained.

Seventh.—Under the 13th and 14th heads of the statement all cases shall be entered in which any person may enter or attempt to enter by day or by night, by breaking any dwelling-house, warehouse, storehouse, or other building, or place used for the custody and preservation of property, whether the same be constructed of stone, brick, mud, bamboo, grass, or other materials, or into a tent, boat, or other place of habitation, whether such entry be effected by cutting through or under the wall, or by forcibly raising the roof of the house, or by any other means, attended with breaking, and whether in pursuance of the intent to commit such robbery any property shall be carried away or otherwise.

Receiving of stolen
property, how to be
classed.

Eighth.—Under the 17th head all cases shall be entered of receiving, vending, or concealing, or melting down stolen property.

Arson, ditto.

Accidental fires, not
to be included.

Ninth.—The 18th head of the statement shall include only those cases of arson in which any habitation or other property may appear to have been purposely and maliciously fired, and the darogah shall not include accidental fires under this head.

Suicide, how to be
entered

Tenth.—Under the concluding or 20th head of the statement, the darogah shall insert all cases in which the person destroyed may appear to have been the immediate and voluntary cause of his own death.

All heinous offences
to be reported,
though the offenders
be not discovered.
Unsuccessful at-
tempts to commit
offences how to be
distinguished.

Eleventh.—The darogahs shall report in the statement above prescribed all heinous offences which may come to their knowledge, whether the offenders may be apprehended or otherwise, and shall distinguish, in the third column, all attempts in which the criminal intent may have failed; inserting in the second column only those cases in which the crime may have been actually perpetrated.

Form No. 4, to be
periodically trans-
mitted to the super-
intendants of police.

Twelfth.—A monthly report of crimes and offences, agreeably to the form No. 4, of the Appendix, shall be transmitted by the police darogahs from each police than-
nah, to the office of the superintendent of police for the division, on or before the 5th of the ensuing month.

Rules for writing
and dating of all re-
ports; examinations
to be transmitted to
the magistrates.

Thirteenth.—The reports and returns submitted by the police-officers to the magistrates shall be written in a clear and legible hand, and shall bear at the foot of the writing the date of the dispatch, according to the era current in the district, and the signature of the police-officer by whom the report may be made, and, when the circumstances may admit, the seat of the thannah; all examinations taken and proceedings held by the police-officers shall be superscribed with the date and month of the era current in their several jurisdictions.

Rules to be observed
in transmitting pa-
pers to the foudzary
court.

Fourteenth.—The papers transmitted by the police-officers to the foudzary court shall be strung on a thread, the ends of which shall be secured with wax, and the record of each case shall be made up in a separate envelope, and addressed to the magistrate of the district; the name of the thannah, from whence the report may be made, shall be marked on the envelope.

Limited time for the
execution of orders
and processes to be
specified by the ma-
gistrate.

Fifteenth.—Every process and order addressed by a magistrate to a police officer shall limit a certain time in which it is to be served, executed, and returned to the magistrate's court.

Returns to orders,
how to be written
and registered.

Sixteenth.—The returns to all orders and processes, and the certificates of the due publication of all proclamations, addressed by the magistrates to the police-officers, shall be indorsed, as far as the size of the paper will admit, on the original order or process; and if the length of the return should render it necessary, a separate paper shall be annexed to the original document; and a copy of the return shall be entered in the register prescribed by Clause IX, Section VIII, of this Regulation.

Seventeenth.

Seventeenth.—The police-officers shall, to the extent of their ability, carry into effect such instructions as they may receive within the period specified in the magistrate's order; and if the directions contained in the order or process cannot be entirely carried into effect within the time limited, a report shall be made, at the expiration of such period, of the cause of delay, with specific information when a further and full return will be made, and the original order or process shall be sent to the magistrate, with such final return, indorsed as directed in the preceding Section.

In the event of delay in making such returns, the cause to be reported at the expiration of the specified time.

Eighteenth.—The darogahs and mohurrers shall be careful to render their reports and returns in as precise terms as possible, and they shall refrain from recapitulating in their returns a detail of the magistrate's orders; and when referring to such orders shall merely state, summarily, the nature of the case and the date of the perwannah.

Reports to be accurate and concise.

Rules regarding Dawks, and for expediting the transmission of Official Papers to and from the Thannahs.

X. First.—To facilitate the communication between the magistrate's court and the stations of the darogahs of police, and to enable the magistrates to obtain speedy information of the occurrence of crimes, as well as with the view of preventing the unnecessary confinement of persons who may be detained in custody pending an inquiry of the police-officers, or trial before the magistrate, the magistrates and the native officers of police are required to attend, as far as may be practicable, to the directions contained in the following rules.

Importance of securing the speedy transmission of information.

Second.—The superintendence of the dispatch by dawk of perwannahs to the police darogahs, and of reports from the officers of police to the magistrate's court, shall be intrusted to the nazirs of the Criminal Courts, and to the thannah mohurrers, who shall be held responsible for the speedy transmission of the packets to and fro; and shall report to the magistrates all instances of delay which may come to their knowledge.

Superintendence of dispatches by dawk, in whom vested.

Third.—As far as circumstances may admit, the magistrate's orders to his police-officers, and the thannah reports, whether addressed to the magistrates or to the superintendents of police, shall be transmitted by the Government dawk; and all dawk-officers in the Company's provinces are required to receive and convey, free of expense, such orders and reports, the same being superscribed with the name and official designation of the public officer by whom the papers may be dispatched; together with the words "Kar Surkar," to denote that they relate to the public service.

All Government dawk-officers throughout the provinces to convey orders and reports free of expense.

Fourth.—In cases where a thannah station may be situated at a considerable distance from the route of the Government dawk, the magistrates, in communication with their police-officers, shall establish dawk-stations between the thannahs, or from the thannahs to the magistrate's court, at proper distances, according to local circumstances, but not in any instance exceeding five coss, and the land proprietors and farmers of land, or their local managers, shall be called upon to name and appoint the requisite number of peons or pykes (not being village watchmen) for the performance of this duty. In places where no establishment of regular police-officers may be stationed, they shall also be required to fix on a particular house in the village, where the peons or pykes may at all times be found without delay, and to name the mundul, putwaree, or other person in the village, whose business it shall be to receive and forward the papers transmitted by the dawk; a statement, after the form No. 8, of the Appendix, shall be prepared and kept up at each thannah station; and it shall be the duty of every darogah, on his appointment to a thannah, to see that this paper is included in the records of the thannah, as well as that the dawk for the conveyance of the magistrate's perwannahs and the thannah reports is duly regulated, and the peons or pykes maintained by the landholders, farmers or managers, at the appointed stages.

Establishment of subordinate dawk-stations.

Peons and pykes to be appointed by zemindars for this duty, where there is no regular dawk.

General duties of darogahs on this point.

Fifth.—The landholders, proprietors, and farmers of land, with their local managers and heads of villages, shall be held responsible for a due observance of the foregoing rules, and shall be liable, on proof before the magistrate, of wilful disregard of these provisions, especially after a previous admonition, to be punished by a fine not exceeding 100 rupees, commutable, in default of payment, to confinement in the civil jail for any period not exceeding one month.

Penalty in case of landholders, &c. neglecting the above rules.

Rule to prevent delay in transmission of papers by such dawks.

Sixth.—The nazir of the magistrate's court shall forward by the dawk, every day at the same hour (except when otherwise specially instructed by the magistrate) all perwannahs and papers addressed to the respective thannahs, which the magistrate may direct to be transmitted by the dawk; and shall write on the envelope of each packet the date and time of dispatch. It shall likewise be the duty of the nazir to record on the envelope of all reports received from the thannahs the date and time of their receipt.

Further rules for the transmission of thannah reports.

Seventh.—All reports and papers transmitted by the dawk from the police thannahs shall be addressed to the magistrate, and the seal of the thannah shall be affixed to the envelope; the mohurrer shall specify on the envelope the date and hour of dispatch; and in cases where the papers of one thannah may be left at another thannah on their transmit to and from the magistrate's station, the mohurrer of the latter thannah shall forward such papers, noting on the back of the envelope the date and hour of the arrival and departure of the dawk.

Darogahs to transmit, by dawk or otherwise, reports and papers intrusted to them by the native commissioners.

Eighth.—The police darogahs and their mohurrers are required to forward by the thannah dawk, or by the hands of their burkundauzes, as occasions may offer, such reports and papers as may be sent to them by the native Commissioners for the trial of civil suits, for the purpose of transmission to the judge of the district; and they shall grant receipts to the native Commissioners for such papers as may be delivered to them.

Prohibiting various irregular practices on the part of the Police-Officers.

Police-officers shall not trade.

XI. First.—No police darogah, mohurrer, jemadar, or burkundauze shall trade or keep any warehouse or shop for wholesale or retail, within the limits of the thannah to which he may be appointed.

Darogahs shall not employ police-officers on their own private affairs.

Second.—The darogahs of police are prohibited from employing the burkundauzes of their thannahs on their own private affairs, under penalty of fine and dismissal from office.

Penalties in case of a police-officer's receiving or demanding money from any of the parties in a criminal process.

Third.—Whenever a summons or warrant, or other criminal process, may be served by a burkundauze, or other police-officer receiving pay from Government, no diet money, or other allowance or gratuity, shall be demanded or received from the complainant or the accused, or from any witness or other person; and the demand or receipt of such by any police-officer, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the magistrate or Court of Circuit. The offender shall also be compellable, either on a criminal prosecution, or by a civil action, to refund the amount received, besides being liable to immediate dismissal from office, under the provisions contained in the existing Regulations.

Darogah to prohibit the permanent employment, at his thannah, of the agent of any landholder or farmer.

Fourth.—The police darogahs are enjoined, under penalty of dismissal from office, not to permit any established vakcel or mokhtar to be permanently employed at their thannahs, on the part of any landholder, farmer, local agent or other person. But this rule is not meant to preclude the occasional employment of a vakcel or mookhtar, for any specific purpose when it may be necessary.

Without special authority no darogah shall employ a vakcel at the magistrate's court on official business.

Fifth.—The darogahs and other mofussil police-officers are prohibited from employing any mokhtar or vakcel at the station of the zillah or city magistrate for the purpose of receiving and transmitting the salaries of the thannah establishment, or for any other purpose connected with their public functions, except in particular cases wherein they may be specially authorized by the magistrate to employ a vakcel.

Except in cases of emergency, no extra mohurrers shall be employed at thannahs, without sanction of the magistrate.

Sixth.—No mohurrers or writers, excepting those on the police establishments paid by Government, shall be employed at the thannahs without the previous sanction of the magistrate, except in cases of emergency, which will not admit of delay. In the event of any police darogahs requiring the assistance of additional mohurrers, in consequence of a stress of business, he shall report the circumstance for the orders of the magistrate.

No professional spy to be employed by darogahs, without express sanction of magistrates, but to encourage individuals to give information.

Seventh.—The darogahs are prohibited from encouraging or employing, without the knowledge or express sanction of the magistrate, any goindahs or spies, who may earn a livelihood by the profession of an informer, and they shall apprehend and send to the magistrate any persons who may give out that they are employed as goindahs by the magistrate, or by the superintendent of police, unless such persons can

can show a written authority from the magistrate, or from the superintendent of police. The above provision shall not be construed as precluding the police-officers from employing persons to trace offenders who may have eluded the pursuit of justice, or from encouraging persons to furnish information, by which robbers, or other known criminals, may be discovered and apprehended. On the contrary, the darogahs shall encourage such persons to communicate all the information possessed by them, and shall report to the magistrate any instance of meritorious service on the part of any such individual, by which offenders may be brought to justice, whether the individual may have personally exposed himself to trouble and risk in securing the offender, or may have merely supplied the necessary intelligence to the police officers.

mation, with a view to the apprehension of notorious offenders.

Charges not cognizable by Police-Officers.

XII. First.—The darogahs and other native officers of police are prohibited, under pain of dismission from office, from taking cognizance of any charge of adultery, fornication, calumny, abusive language, slight trespass, or inconsiderable assault.

What crimes the darogahs are prohibited from taking cognizance of.

Second.—Persons preferring to the native police-officers charges of the nature specified in the preceding clause, shall be referred by those officers for redress to the magistrate's court, and informed that cognizance cannot be taken of their complaints at the thannahs; and the darogah, or other police-officer, to whom any such charges may be presented in writing, shall record, in the thannah diary, hereinafter prescribed, the name of the complainant, the nature of the charge, and the date on which it may be rejected. The date and ground of rejection shall also be indorsed on the written plaint, to be returned to the complainant.

Persons bringing forward complaints of the above description, to be referred to the magistrate.

Third.—The darogahs and other police-officers are likewise prohibited from admitting compromises or razeenamahs in any cases, and from interfering in any matter which may not be expressly provided for in this or in any other regulation, as well as in all cases from passing sentence upon any complaint, from imposing a fine, or inflicting any punishment, and from making any exaction from the prosecutor or the accused, or their respective witnesses, or from any other persons whatsoever.

Police-officers prohibited from admitting compromises, from interfering in any matter not authorized by the regulations, and from inflicting punishment, and exacting money.

General Duties of Police-Officers on receiving Charges or Information of heinous Offences.

XIII. First.—On receipt of any charge or information of murder, robbery, theft, burglary, homicide, maiming, wounding, actual affray, or other heinous offence, not excepted by this regulation from the cognizance of the police darogah, the statement of the prosecutor or informer shall be certified on oath, or if the person be of such a rank or cast as would make it improper to compel an oath, by a solemn declaration, after the form, N° 9 of the Appendix to this regulation; and such inquiry shall be made as may be necessary to elucidate the circumstances of the case, and if there are any witnesses to the fact, or persons acquainted with the particulars, they shall be questioned, without oath, either privately and apart, or publicly, as may appear most conducive to the attainment of the truth.

Upon receiving information on oath, or on a hulfnama, of a crime cognizable by him, the darogah shall inquire into the circumstances, and examine, publicly or privately, witnesses to the fact.

Second.—It shall not be considered necessary to take down in detail the questions and answers of the witnesses, but the substance of any material information obtained from them, shall be reduced to the form of a sooruthal, or keyceut, which document shall be authenticated by the attestation of the persons examined, and transmitted to the magistrate under the signature of the police-officer, by whom the inquiry may be made; the evidence of the eye witnesses being distinguished in the report from that of persons deposing from hearsay.

Evidence not to be detailed, but the substance only to be transmitted to the magistrate.

Third.—In cases of murder, gang robbery, burglary, attended with wounding or other violent crime, where the circumstances of the case may be elucidated in a greater degree by a sketch or plan of the spot, the same shall be prepared, if it can be done without subjecting the inhabitants to inconvenience, and submitted with the report. The police-officers shall also be careful to ascertain, in all cases, the exact date and time of the day or night when the offence charged may have been committed; and shall record the date, according to the Bengal, Fussily, or other era current in the district.

Sketch of the spot to be transmitted under certain circumstances, and date of occurrence to be accurately noted.

Darogahs shall not swear witnesses, except in cases sanctioned by regulation.

Fourth.—The police darogahs are prohibited from swearing witnesses to the truth of their depositions, on any local investigation which may be made by them into the circumstances of any murder, robbery, or other crime, or in the performance of any other of their duties, unless the same be expressly sanctioned by the provisions of a regulation applicable to the case.

Darogahs to endeavour to dispatch all evidence, and to secure the attendance of witnesses in due time, so as to prevent delay in the inquiry.

Fifth.—The officers of police shall endeavour, as far as practicable, to complete the inquiry in the first instance, and to collect all attainable evidence, and to bind over all the witnesses, necessary for the trial, to appear before the magistrate at the time when the report may reach the magistrate's court, in order that the case may be tried without unnecessary delay. The darogah shall send in with the chelan or dispatch, any burkundauzes or other subordinate police-officers, whose evidence may be necessary on the trial of the case; and if the whole of the witnesses cannot be found at the time of transmission of the chelan, the darogah shall endeavour to collect them, and shall send them in without waiting the instructions of the magistrate.

When the offenders are unknown, the witnesses to the inquiry shall not be bound over to attend without special orders from the magistrate.

Sixth.—In cases wherein the offenders are unknown, or though recognized, may not have been apprehended, the prescribed local inquiry into the circumstances shall, notwithstanding, be made without delay, and the police darogah shall transmit an immediate and full report of the result to the magistrate, for his information and orders. But the witnesses shall not in such cases be sent to the magistrate, nor bound over to attend him without his special instructions for the purpose.

Names and persons of known but absconding offenders shall be accurately described.

Seventh.—In all cases where the offender may be known, and may have absconded, the police-officer conducting the inquiry shall ascertain and describe the person of the offender, specifying also his name, and that of his father, as well as his usual place of residence, in order that he may hereafter, if necessary, be fully identified.

Separate reports to be made, when a person shall, in the course of inquiry, appear to have been guilty of more than one offence.

Or when zemindars shall have been negligent in reporting.

Eighth.—If, in the conduct of an inquiry the person accused or suspected should appear to have been guilty of more than one offence, cognizable by police-officers, or, if any misconduct or neglect in matters of police should attach to any zemindar, farmer, local agent, village-watchman, or other person, whose duty it may be to aid the police, the police darogah shall institute a distinct inquiry on each case, the result of which shall be transmitted to the magistrate in separate reports and despatches.

If any person sent to the magistrate's court shall be known to have been formerly apprehended, the date of the former case shall also be reported.

Ninth.—Whenever any person may be apprehended and sent to the magistrate's court, under the provisions of this regulation, and it may be known to the police darogah, or other officer presiding at the thannah, that such person has been apprehended on a former occasion by the police on any other account, the darogah or other officer, reporting on the case which may be the ground of his present apprehension, shall state also the offence for which the prisoner may have formerly been arrested, and if practicable, shall ascertain from the thannah papers, and report the year and date of the record of the case referred to.

Rules when darogahs shall have occasion to leave their thannahs.

Tenth.—The darogahs of police, when they may proceed from their thannahs for the purpose of making any local inquiry, or for the performance of any other public duty, shall state in their reports the date and time of their departure from the thannah station, and the date and time of their arrival at the place of their destination, and also of their return to the thannah. The month and year to be used on all such occasions, as well as generally in the reports of the police darogahs, shall be those of the current era of the district, whether the Bengalee, Fusili, or Willaity.

Reports to be dated in the current era of the district.

Rules for holding Inquests on Occasions of Murder, Homicides, Wounding, and unnatural Deaths.

Landholders and others held responsible for the early communication of unnatural or suspicious deaths.

Penalties for neglect.

XIV. First.—The principal persons residing in villages, whether landholders or farmers, or other local managers or munduls, putwarries or other heads of villages, are hereby declared responsible for the early and punctual communication to the officers of the nearest police-station, of all unnatural deaths, or deaths attended with suspicious circumstances, which may come to their knowledge; and any landholder, farmer, manager, or other principal inhabitant of a village, who may be convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the magistrate in any sum not exceeding 200 rupees; and in default of payment to be confined for any period of imprisonment not exceeding six months.

Second.—In all cases of murder, unnatural or suspicious death, or violent and dangerous wounding, the darogah of police shall make it an invariable rule, immediately on receiving information, to repair in person to the spot on which the dead body, or person wounded, may have been found, or if prevented from going personally, shall depute a proper officer; and on such occasions the following rules shall be strictly observed.

On receiving information of such cases, the darogah shall immediately proceed in person, or dispatch an officer to the spot.

Third.—That they question privately, in the first instance, any relations, connexions, friends, or neighbours of the deceased, or of the person wounded, who may be able to state the circumstances of the case; and that they endeavour to collect, before the inhabitants shall have assembled for the public inquest, such information as may guide their inquiries in the conduct of the investigation.

Connexions or neighbours to be questioned in the first instance.

Fourth.—That they question the individual wounded, and require him, if he is able to speak, to name and describe on oath the person by whom he may have been wounded, the names of the persons present when the act was committed, and, generally, the circumstances under which the crime was perpetrated.

Individuals severely wounded, to be required to describe the circumstance on oath.

Fifth.—That they examine the body of the person wounded, or in cases of death, the dead body, with a view to ascertain the number of wounds or other corporal injuries; the length, breadth and depth of each; with what weapons the wounds or hurts may have been given; and the parts of the body in which they may have been received, and that they record the same either at the foot of their sooruthal or report, or on a separate paper to be annexed to the report.

Rules for inspecting the body of the deceased, or of the wounded person.

Sixth.—That they describe particularly the spot on which the wounded person or the dead body may have been found; and that they report whether the crime appears to have been committed on the spot, or whether the individual wounded, or the dead body, appears to have been brought and laid there; also in cases of alleged suicide, or of accidental death, whether the circumstances under which the body may be found are such as to warrant a conclusion, that the deceased had met with his death from his own hands, or by misadventure, or whether any, and what grounds may exist for believing the deceased to have been killed by the hands of others; and further, that they ascertain the name of the person wounded, or of the deceased, if any person present should recognize him.

Rules for the description of the place where the body was found.

Seventh.—That if the person killed shall appear to be a stranger, and his name shall not be known, they endeavour to ascertain where he was last seen, or where he slept the night before.

If the deceased be a stranger, to ascertain where he was last seen.

Eighth.—That in cases in which the offenders may not be immediately discovered, or the cause of the murder or unnatural death or wounding may be unknown, the police-officer conducting the inquiry shall endeavour to trace whether any enmity, ill-will, jealousy, or other cause of dissension subsisted between the wounded or deceased, and any other person or persons in the neighbourhood, and if so, the particulars of the disagreement; when and under what circumstances the wounded or the deceased, and the persons said to bear him ill-will, may last have been seen in company, and whether any and what angry expressions had been used by the parties; moreover, in cases in which there may be reason to believe that the unknown offender has received any wound, or other corporal injury from resistance in the perpetration of the crime, they shall question the hujjams, village surgeons, washermen, or other persons residing in the vicinity, who from their profession may be likely to afford information, leading to the discovery of the offender in such cases.

If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased.

When the unknown offender is supposed to have been wounded, to examine the neighbouring village surgeons.

Ninth.—That the above inquiry be made and committed to writing in the presence of creditable people, resident on the spot or in the neighbouring villages; and that they require a sufficient number of persons present to subscribe their names to the paper, which is likewise to be attested by their own signature, and forwarded without delay to the magistrate.

The sooruthal to be attested by the darogah or police-officer, and by a sufficient number of people who may have been present.

Tenth.—In cases of murder, it shall be the duty of the officers of police to endeavour to obtain and secure the weapon or instrument with which the crime may have been committed, in order that the same may be produced and identified at the further stages of the inquiry or trial for the offence.

In cases of murder, the instrument or weapon to be procured, if possible.

Eleventh.—In cases of wounding, the darogah, or other police-officer conducting the inquiry, shall endeavour to obtain for the person wounded such surgical assistance as may be procurable, and, if the wounds are severe, the individual wounded

Affistance to be procured for wounded persons.

Not to be moved, so long as risk attends it.

shall not be moved or sent to the magistrate's court until he may be able to travel without inconvenience or risk. The police-officers are further directed to notify to the inhabitants, as occasion may offer, that in the event of any person being wounded by robbers or others, in such manner that he cannot be conveyed to the thannah without hazard of his life, it is not necessary to remove such person from the place where he can be best taken care of, but that immediate notice must be given at the thannah, that the police-officer may proceed to the spot, in conformity with Clause 2d of this Section, and make the inquiry therein prescribed.

Rules for the disposal of the body, in cases of murder or unnatural death.

Twelfth.—In cases of murder or unnatural death, the police-darogah shall, on ordinary occasions, when he has completed his inquiry, either make the body over to the charge of the relations of the deceased, or shall cause it to be buried, or burnt on the spot, as the usages of the country and religious persuasion of the deceased may render proper; and it shall not be considered necessary to send the corpse for the inspection of the magistrate, except in cases of murder by poison, or on occasions where the injury sustained by the deceased may be of a doubtful nature, requiring the inspection and report of a surgeon, in which cases the darogah shall, if the state of the weather, and the distance from the magistrate's court will admit of the body being transported without risk of putrefaction on the road, forward the corpse covered with a cloth, in the most decent and expeditious manner practicable, to the magistrate's place of residence.

Inquiries to be made by the Police-Officers in cases of Gang-Robbery, Burglaries, and other heinous Offences.

In cases of robbery by open violence, and certain other heinous offences, the darogah will proceed to the spot, or dispatch an officer.

XV. First.—In all cases of gang-robbery, or other robbery by open violence, as well as in every instance of a heinous crime, attended with a violent breach of the peace, or other circumstances of aggravation, the police darogah, in whose jurisdiction the offence may occur, shall, if practicable, proceed in person to the spot without delay, transmitting an immediate report of the occurrence and of his departure from the thannah, for the information of the magistrate. If unable to proceed in person, or if the case be not of a heinous nature, nor attended with circumstances of aggravation, the darogah shall be at liberty to depute a fit person from among the officers acting under him, to ascertain the facts and circumstances of the case, and to procure all the information which may be practicable to obtain for the discovery and apprehension of the offenders.

Detail of the inquiries to be pursued in such cases.

Second.—The Police-officer making local inquiries of the description specified in the preceding Section, shall be careful to ascertain and record the day and hour when the fact was committed, the situation of the place, the names and descriptions of any persons who may have been recognized as the perpetrators of the crime, by whom such persons have been seen and known, and the names and description of any person suspected of being concerned in the offence committed, with the grounds of such suspicion. Also a full recital of the manner in which the crime has been effected, and in cases of robbery of the articles of property plundered, the direction in which the robbers may have fled; whether they had torches, and any and what arms; whether they attempted to conceal their persons during the robbery; whether any arms or articles of property belonging to the robbers were picked up after the outrage; and, if so, whether any person in the neighbourhood has recognized such articles; whether any number of persons were known to have assembled at any liquor-shop, Fakeer's muth, or other place immediately preceding the occurrence of the robbery, and if so, the general character of such persons, whether the landholders and farmers or their local agents took any and what measures, immediately after the occurrence, for the discovery and apprehension of the offenders; whether the village watchmen were present, and showed a proper degree of attention and alacrity on the occasion, or otherwise; whether there are any persons of notorious bad character in the neighbourhood, or persons who have before been punished for robbery and discharged from jail, and if so, where such persons were at the time of the commission of the offence.

Such inquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

Third.—The foregoing inquiries shall be made and committed to writing on the spot, in the form of a sooruthal or report, and in the presence of three or more creditable inhabitants of the neighbourhood, by whom it shall be attested, and the papers shall be forwarded without delay for the information of the magistrate.

Fourth.

Fourth.—It shall further be the duty of the police-officers, on occasions of the description above mentioned, as well as in cases of murder and unnatural death, to apprise the persons present at the inquiry that their suppression or denial of any knowledge which they may possess relative to the perpetrators of the crime, will tend to invalidate their testimony, in the event of their deposing to such knowledge at a future period. They shall at the same time give encouragement to all persons, not accomplices or accessaries, who may have been present at the commission of a crime, to make full communication of every fact and circumstance within their knowledge respecting the offenders, and shall take their information or evidence with such precautions of secrecy, as may be deemed requisite, where persons supposed to have recognized any of the offenders may appear to be deterred from publicly naming them, under fear of the consequences, if the parties should not be apprehended.

Caution against information being withheld in the first instance.

Fifth.—The darogahs of police shall invariably report to the magistrate every instance of burglary and theft which may be brought to their knowledge or otherwise, as well as of the attempts in which the offenders may not have succeeded in carrying off property.

Instances of burglary and theft, or attempts, shall be reported.

Sixth.—In cases of burglary the police-officer conducting the inquiry shall attend to the foregoing instructions, regarding inquiries in cases of robbery, as far as the same may be applicable, and shall be careful to ascertain and report the time of the day or night at which the offence was perpetrated, and the means used in effecting an entry into the habitation, and if by breaking or cutting through a wall, mat, or other partition, the length and breadth of the aperture, also whether the house or apartment into which a burglarious entry may have been effected, is used as a place of residence, or for the custody and preservation of property.

Accuracy to be observed in the date of the offence, and description of the circumstances.

Seventh.—Police-officers making inquiries in cases of robbery, burglary and theft, shall require the village chokeedars, the landholders and their agents, and the inhabitants of the place where the offence may be committed, to state whether they suspect any and what persons of having committed the offence; and, if so, the grounds of their suspicion, after which, they shall take the necessary measures to ascertain how far such suspicions may be well founded, and where the persons suspected may have been at the time the crime was perpetrated.

Information to be required from the zemindars and others.

Search for plundered or stolen Property.

XVI. First.—The search for plundered or stolen property, whether under the special orders of the magistrate, or under information received by the native officers of police, shall be conducted agreeably to the following Rules.

Search for stolen property, how to be conducted.

Second.—The darogahs of police are prohibited, except under the special orders of the magistrate, from searching the interior of any house or building for stolen or plundered property, unless a list of the articles missing be delivered or taken down in writing at the thannah, with a declaration, stating that a robbery has been committed, and that the informant, whether he be the owner of the property, or accomplice in the offence, or other person, has substantial ground to believe that the property is deposited in such house or place.

Without a written declaration officers shall not search the interior of any building, except by special orders of the magistrate.

Third.—In the case of search warrants issued from the magistrate's office, the police-officers shall report the execution of the process on the back of the warrant.

Execution of search-warrants to be reported.

Fourth.—The darogahs, when not especially instructed by the magistrate, shall transmit all representations made to them regarding the receipt or concealment of plundered or stolen property, at or before the time when they may proceed to the search, for the information of the magistrate, and for any orders which he may deem it necessary to issue on the subject. They shall also take the necessary precautions for preventing any such property from being clandestinely removed.

Representations regarding stolen property to be sent to the magistrate for his orders.

Fifth.—The search for plundered and stolen property shall be proceeded on without previous notice being given to the owners or inhabitants of the house, and shall uniformly be made in the day-time, unless there shall be substantial reason to believe, that in case of any delay the property sought will be removed. The process shall invariably be conducted by the darogah, mohurrer, or jummadar in person; and if the darogah cannot himself proceed, he shall issue a warrant according to the

Particulars relating to the search.

What persons to be present.

the form No. 10, of the Appendix. The search shall be made in the presence of three or more respectable inhabitants of the village in which the house or place searched may be situated, who shall subscribe their names to the report made to the magistrate's office, and an opportunity shall, in every instance, be afforded to the occupant of the house attending the search.

Surreptitious introduction of articles into the house to be carefully guarded against.

Sixth.—In conducting the search directed by the preceding Rules, the police darogahs shall be careful that no articles of property are surreptitiously introduced into the habitation at the time of search, and no prosecutor or informer, or any other person, shall be permitted to enter, unless he allows himself to be strictly examined in the first instance.

Rules to be observed in searching zenanas.

Seventh.—Should the occupant of the house ordered to be searched be of such a rank in society as would render it improper and objectionable, according to the prevailing opinions and usages of the country, for the officers of police to enter the zenana or apartments of the women, the police-officers shall give due notice for the removal of any women within the zenana; and after furnishing means for their removal in a suitable manner, (if they be women of rank, who according to the customs of the country cannot appear in public,) shall enter the zenana apartments for the purpose of completing the search, using at the same time every precaution consistent with these provisions, for preventing the clandestine removal of property.

The person in whose house property alleged to be stolen is found, being unable to give a good account of the same, shall be forwarded to the magistrate.

Eighth.—If on examining the premises ordered to be searched any property be discovered, which shall be alleged by the complainant or informer, at whose instance the search may be made, to have been stolen or plundered, or which there may be any other reasonable ground to believe has been acquired by theft or robbery, the darogah, or other officer of police, by whom the search may have been conducted, shall endeavour to trace the actual proprietor from whom the property may have been stolen or plundered, and shall question the occupant of the house regarding the means by which the property was obtained; and in the event of his being unable to give a satisfactory explanation shall forward the property, together with the person in whose house it may have been discovered, to the magistrate.

Rule for the disposal of unclaimed suspicious property.

Ninth.—Should any suspicious property be discovered in the course of a search conducted under the foregoing provisions, and should no person lay claim to the same, the police darogah shall compare the articles with such lists of property stolen or plundered as may have been previously delivered into the thannah in other cases, and recorded in the register prescribed by Clause Thirteenth, Section 8, of this Regulation; and in the event of the property corresponding with the amount given in the list, shall either send the articles for the inspection of the supposed proprietor, or shall summon him to the thannah for the purpose of identifying his property.

All particulars regarding property so found, shall be carefully transmitted to the magistrate.

Tenth.—On the occasion of searching a house under the foregoing rules, the police-officer shall be careful to notice the particular spot in which the property may be found, the time of finding, and the name of the finder, and all property which may be claimed as having been stolen or plundered, as well as all property of a suspicious nature found on persons charged with robbery, burglary or theft, or which may be seized by the officers of police under suspicious circumstances, shall be forwarded without delay to the magistrate, together with a despatch, drawn up under the form No. 3, of the Appendix. A copy of the despatch being registered as prescribed by Clause Eleven, Section 8, of this Regulation; the original shall be given to the burkundaize charged with the conveyance of the property, to be delivered to the nazir on his arrival at the Sudder Station.

Rule for transference of valuable articles of small bulk.

Eleventh.—Articles of value and of small bulk shall be fastened up in a box, petarah, or bag, and the seal of the thannah affixed. Each article of property shall have a separate number (written on paper with the seal of the thannah attached to it,) to correspond with the number contained in the first column of the despatch; and darogahs, when describing the property in their reports, shall invariably quote the number affixed to each article.

Unclaimed or suspected property only shall be removed, not to be returned without the magistrate's order.

Twelfth.—No property shall be removed from a house by an officer of police unless it be claimed or recognized as having been stolen or plundered, or considered to be suspicious; and no property once removed shall be returned without the special instructions of the magistrate.

Thirteenth.

Thirteenth.—On the occurrence of a heinous robbery, burglary, or theft, the darogah of police shall transmit a list of the property plundered or stolen to the proprietor or manager of the estate in which the crime may have been committed, with an injunction to cause the list to be affixed in a conspicuous place, and also published in the several bazars and hauts situated in the estate, at the same time requiring all gold and silversmiths, retail dealers, and other persons, to give notice to the officers of police against persons offering such articles for sale.

In heinous cases, a list of property plundered to be affixed in a conspicuous place, and due notice given.

Fourteenth.—Whenever the person in whose possession stolen or plundered property may be found shall deny all knowledge of the theft or robbery, and assert that he procured the property by honest means, the darogah, or other police-officers conducting the inquiry, shall require such person to state the circumstances under which he became possessed of the property, and shall endeavour to ascertain through whose hands it may have passed, as well as to trace the persons by whom the robbery or theft may have been committed.

Inquiries to be made from persons in whose possession the property may be found.

Fifteenth.—Any person who may find within his house or premises property not his own, which he may have reason to believe lost or stolen property, or to have been deposited within his house or premises with a malicious intent, shall within twenty-four hours after finding such property convey it to the nearest police-darogah, and report the circumstances attending the discovery of the property. The darogah shall commit to writing the circumstances which may be stated by the person finding the property, and cause the same to be signed by him, and attested by two or more witnesses present. Such attested writing, together with the property found, shall then be forwarded by the darogah without delay to the magistrate.

Person finding suspicious property in his own house or premises, how to proceed.

Sixteenth.—All unclaimed property, whether cattle, boats, timbers, or other goods or chattels, shall be considered as belonging to Government, and the darogahs of police shall forward any property of this description which may come into their hands, to the magistrate of the district in which they may respectively be employed; or if any article of unclaimed property cannot be easily moved, the darogah of police shall make over the charge of such article to the local zemindar, manager, or head person of the village, until the orders of the magistrate in regard to its disposal can be obtained.

Unclaimed property to belong to Government. Rules for its transmission.

Seventeenth.—The darogahs and other police-officers shall be entitled to a commission of ten per cent. on the value of all property stolen or plundered, which they may recover. The commission is to be paid by the owners of the property, which is to be fairly valued by the magistrate, or by any creditable and competent person whom he may appoint for that purpose. The magistrate is to cause the commission, in the case above directed, to be paid by the owner or his agent to the darogah, or other police-officer to whom it may be due, and, if necessary, may cause a part of the property to be disposed of by public sale, for the purpose of making good the amount.

Ten per cent. of the value of stolen property to be granted to the recovering officers.

Duties of Police-Officers with regard to Coiners and utterers of Base Coin.

XVII. The darogahs of police shall apprehend and send to the magistrate all persons uttering base coin, and knowing it to be such, or who may be charged with counterfeiting or debasing the current coin. On the receipt of credible information they shall, under the provisions of Section XVI, proceed to search the houses of persons accused of manufacturing or knowingly uttering base or counterfeit coin, and shall seize and transmit to the magistrate any such coin which may be found, together with all implements used for the purpose of debasing or counterfeiting the coin; also all books of accounts relating to the sale, or circulation of base coin, together with such evidence as may be procurable to establish the offence imputed to the accused.

Darogahs shall search houses of persons, accused upon credible evidence, of coining, &c. and transmit to the magistrate coins, implements and accounts, together with the offenders.

Duties of Police-Officers in the prevention or suppression of Affrays and Riots.

XVIII. *First.*—The darogahs of police shall proceed in person, or depute one or more of their officers, as circumstances may require, to attend and maintain the peace at fairs, and during the celebration of festivals, at all places where any considerable number of persons may be collected together.

Officers of police to be present at fairs, festivals, &c.

Second.—On receiving intimation of any tumultuous meeting or assemblage of persons, or of any projected riot or serious disturbance, whether arising from trespass

On notice given of intended affray, officers shall require

zemindars to disperse the people, on pain or confiscation of the matter in dispute.

or disputes regarding land, crops, tanks, water-courses, reservoirs, or other causes, the darogahs of police shall either proceed in person, or cause the mohurer or jumadar to repair immediately to the spot, and the police-officer employed on such duty shall, in the first instance, proceed to the residence of the zemindar, talookdar or farmer, in whose estate or farm the disputants may be said to be, and require him instantly to cause them to disperse, acquainting him that the land or crop in dispute will be liable to confiscation if any affray ensue.

He shall endeavour to induce them to disperse, or to submit their dispute to arbitration; he shall proclaim aloud the consequences of a breach of the peace, and take certain measures to mark the guilty.

Third.—In the event of this measure proving insufficient, he shall endeavour to prevail on the parties to disperse, and either to adjust their differences amongst themselves by arbitration or punchayet, or to have recourse to a court of judicature for the decision of their claims. In the event of such endeavours proving fruitless, the police-officer who may be present shall declare aloud, that if any person is killed, wounded, or violently beaten, all persons concerned in the affray will be brought to trial before the Criminal Courts. The police-officers will at the same time strive to seize the leaders, or principal offenders; and in the event of their failing so to do, they will endeavour to ascertain their names and places of abode, and to collect sufficient evidence, if practicable, from persons unconnected with the parties, of the circumstances of the affray, the causes which led to it, and who were the first aggressors; and, after taking these steps, shall set people to watch the further proceedings of the parties, and immediately communicate the whole of the particulars to the magistrate, who will adopt the necessary measures for bringing the offender or offenders to condign punishment.

Darogahs shall not depute burkundazes to defend the property of either party.

Fourth.—The officers of police are required to proceed to the spot, as above directed, and use every precaution to prevent affrays, but they shall confine themselves to maintaining the peace, and shall on no account take part with or afford assistance to either side in the dispute; and darogahs are strictly prohibited, unless under the special instructions of the magistrate, from deputing burkundazes, or muskooree peons, to defend the property of either party, applying for the aid of the police, on the ground of alleged apprehension of affray.

Disputed land or crops shall be described, and boundaries sketched.

Fifth.—If the cause of dispute be land or crops, the darogah, in his report to the magistrate, shall describe the land contested, or the quantity or quality of the grain; and in boundary disputes, where the claims of individuals may be better explained by a plan of the ground, shall prepare and transmit with their reports a sketch showing the outline and general position of the portions of land claimed by the contending parties.

Duties of Police-Officers in receiving Confessions, and in the Treatment of Prisoners generally.

Examinations of prisoners to be taken without oath, in the presence of three or more credible witnesses.

Rules in cases of voluntary confession.

XIX. First.—Whenever any person may be apprehended and brought before a darogah, or other police-officer, under the provisions of this Regulation, the examination of the prisoner shall be taken without oath, in the presence of three or more credible witnesses, who are to attest the examination; and the police-officer, presiding at the inquiry shall question the prisoner fully regarding the whole of the circumstances of the case, and the persons concerned in the commission of the crime; and if any property may have been stolen or plundered, the persons in possession of such property, or the place where it has been deposited. In the event of the prisoners making free and voluntary confession, it shall be immediately written down, if practicable, in the language best understood by the person confessing, and in the presence of three or more credible witnesses, who can sign their names, and are not officers of the police, or connected with the thannah establishment: if no persons can be found who may be able to read or write, the most respectable persons in the village shall be required to bear witness, and to offer their mark in attestation of the writing. The party confessing, as well as the witnesses, shall be allowed to read the same when finished, or if unable to read, the police-officer recording the confession shall invariably read it over in the presence of the party and witnesses, before it is signed and attested, and shall state, at the foot of the paper, the day of the week, date, hour, and place, at which it may be taken; the original confession, bearing the signatures of the party and witnesses, shall invariably be transmitted to the magistrate, and not a copy; and the police-officer presiding at the inquiry, as well as the person by whom the confession may be taken down in writing, shall subscribe their signatures to the paper in attestation of its authenticity.

Second.

Second.—No compulsion shall be used either towards parties or witnesses, for the purposes of obtaining any information whatsoever; and police-officers are strictly enjoined, not, on any occasion, or under any pretext whatever, to encourage a prisoner, apprehended upon a criminal charge, to confess the same, or to excite the hopes or fears of a prisoner by holding forth a prospect of pardon, or using threats, or otherwise persuading or intimidating the prisoner, with the view of inducing him to confess: any species of mal-treatment inflicted on a prisoner or witness by a police-officer, landholder, or farmer, or by any other person whatever, whether with a view to extort a confession, or to procure information, will subject the offender to exemplary punishment, on conviction before the magistrate or Court of Circuit.

Compulsion, or holding out hopes or fears, to induce confession, strictly prohibited; penalty on conviction.

Third.—Whenever a confession may be taken at night, or at any other place than the police thannah, the special reason for its having been so taken shall be stated in the darogah's report.

Special reason must be stated, if the confession be received at night, or in any other place than the police thannah.

Fourth.—The foregoing provisions are not meant to preclude the police-darogah, or officers presiding at the inquiry, from making any private verbal examination which he may deem requisite, with the view of ascertaining accomplices, or discovering stolen property, or obtaining means of proof.

Darogah may hold private verbal examinations.

Fifth.—Prisoners confessing offences shall be kept apart from all persons in custody at the thannah, and, if practicable, shall be forwarded to the magistrate's court, under charge of a separate guard.

Prisoners confessing to be kept separate.

Sixth.—Witnesses to confessions shall invariably be bound over by the police-darogahs to attend the magistrate on the arrival and examination of the prisoners at the Sudder-station, and the police-officers shall be careful not to admit of any deviation from this rule.

Witnesses to be carefully bound over.

Seventh.—Prisoners during their detention at the thannah, shall be confined within the thannah-house, or guard-room, or in some other convenient place of confinement, where they will not be exposed to the open air.

Thannah prisoners, how to be confined.

Eighth.—Stocks may be used at the thannahs during the night, for the purpose of securing the persons of robbers and murderers, or other persons of dangerous character, or disorderly behaviour, or persons who may have escaped from custody, until they can be forwarded to the magistrate; but the darogahs are strictly enjoined, under pain of dismissal from office, not to place any individual in the stocks, except during the night time, and then only in cases of robbery and murder, or of previous escape from custody, or when the notoriety of the prisoner's character or his behaviour may be such as to render this mode of confinement essential for his safe-guard.

Prisoners of atrocious character may, in the night time only, be placed in stocks.

Ninth.—The darogahs of police shall further be competent to use handcuffs of a light construction, to be provided by the magistrates, (instead of fetters and ropes for the legs and arms,) for the purpose of forwarding heinous criminals with safety to the magistrate's court.

They may also be forwarded in light handcuffs.

Tenth.—The darogahs shall be held strictly accountable for any ill treatment which prisoners may sustain whilst under their charge, and for any severity further than what may be essentially requisite for securing the persons of such prisoners.

A strict account shall be taken of unnecessary severity.

Eleventh.—Burkundauzes escorting prisoners shall, on ordinary occasions, journey at a rate not less than six or more than eight coss per diem.

Rate of travelling for prisoners.

Twelfth.—When alighting at any village for the night, the police-officers having charge of prisoners shall report their arrival to the proprietor, farmer, or head man of the village, who shall point out a proper place for securing the prisoners during the night, and shall require the village watchmen to afford their aid in guarding them.

Headmen and others, shall provide for the custody of prisoners passing through their estates or villages.

Thirteenth.—In cases in which the prisoners may be unable to support themselves during their journey from the police thannah to the magistrate's court, the darogahs shall advance such amount for diet-allowance as may be necessary for their way-charges, not exceeding the rate of one anna per diem; reporting the same for the information and orders of the magistrate.

What diet-money to be allowed to prisoners, unable to support themselves during their journey.

Rules for their being delivered over to the proper officers at the fudder station.

Fourteenth.—On the arrival of the prisoners at the Sudder-station the burkundauzes charged with the dispatch shall convey them to the fouzdarry nazir, or to such other native officer as the magistrate may appoint, in order that they may be secured in a lock-up-house until the report of the case can be perused by the magistrate, till which time one or more of the burkundauzes who may have accompanied the prisoners shall remain in attendance, to be examined, if necessary, on any points relating to the case.

Prisoners sent from one station to another, shall be transmitted from thannah to thannah by police burkundauzes.

Fifteenth.—Prisoners who may be sent from the station of one district to that of another, or who may be sent by a magistrate into the mofussil, for the purpose of being discharged, shall, exclusive of other papers, be sent with a written despatch unsealed, showing the name of the prisoner and his destination; and it shall be the duty of the darogahs to forward prisoners of this description according to the despatch which may accompany them, under charge of the police burkundauzes from thannah to thannah. A statement of all such cases, specifying the names of the prisoners and other particulars, shall be recorded in the thannah diary prescribed by Section VIII of this Regulation.

No prisoners shall be detained at the thannah cutchery more than 48 hours.

Sixteenth.—The darogah and other officers of police are hereby prohibited, under penalty of immediate dismission from office, from detaining any prisoners without sending them to the magistrate beyond such time as may be indispensably requisite for the inquiries directed by this or any other Regulation; and if from any cause the inquiry cannot be completed within forty-eight hours after the arrival of a prisoner at the cutcherry or station of the police-officer, the person shall notwithstanding be sent to the magistrate, with a report of the case, and a chelan or despatch, drawn up according to the form No. 2, of the Appendix, a copy of which shall be given to the burkundauze under whose charge the prisoner may be forwarded, to be delivered to the nazir on his arrival at the Sudder-station.

Persons apprehended, whether bailed or not, shall be reported, and shall not be discharged except on bail, or by special order.

Seventeenth.—The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail, or otherwise; and no person who may be once apprehended shall be discharged, except on bail, or under the special orders of the magistrate.

Rules relating to notorious Offenders, and to Vagrants, their Apprehension and Discharge.

Darogahs in every district to forward to magistrates all notorious characters.

XX. First.—It shall be the duty of the darogahs of police to apprehend and forward to the magistrate all persons residing within their respective jurisdictions who may be notorious, as decoits or robbers of any denomination; or as house-breakers, thieves, or receivers of stolen property.

Credible information being given of such characters, darogahs are to make private inquiries.

Second.—On any written charge being preferred to a police-darogah against individuals within his jurisdiction, of their being notorious robbers, burglars, thieves, or receivers of stolen property; or on the darogah's receiving credible information of such persons being within his jurisdiction, the darogah, or other police-officer presiding in the thannah jurisdiction, shall, previously to the apprehension of the accused, make such secret and summary inquiry in the neighbourhood as may be practicable, without endangering his escape, in regard to his general character and means of subsistence; and if there shall appear substantial grounds to believe that the charge or information is well founded, the darogah or other police-officer shall apprehend the person suspected, and shall examine him without oath, regarding his name, connections, place of residence, occupation, and means of livelihood. If, on such examination, and any further immediate inquiry which may be practicable, there appear to be strong grounds of presumption that the charge or information against the prisoner is unfounded, or greatly exaggerated, and the prisoner shall tender sufficient bail for his appearance before the magistrate, such bail shall be accepted, or in failure thereof, as well as in all cases wherein the examination of the prisoner may tend to confirm the truth of the charge or information against him, he shall be forwarded under custody to the magistrate, together with a written report of the inquiry, including such particulars as may be necessary to enable the magistrate to form a just comprehension of the merits of the case.

If they see fit, they shall apprehend the person, and, as he accounts for himself, shall discharge, or transmit him to a magistrate.

This rule shall not authorize the inquiries provided for in next clause.

Third.—The foregoing rule shall not be construed as authorizing the police-officers to make the sooruthals and inquiries regarding character provided for in the next clause, except under the special orders of the magistrate.

Fourth.

Fourth.—Whenever a police-darogah may receive instructions from a magistrate to make a local inquiry and sooruthal, for the purpose of ascertaining the character of any person of bad fame or suspicious livelihood, the darogah shall proceed himself, or shall depute the mohurir or jummadar of the thannah to the village in which the suspected person may have been known to reside, and the darogah, mohurir or jummadar, when not otherwise specially instructed by the magistrate, shall summon four or more of the principal inhabitants, (not being females) or of the middling classes residing in the village, and shall question them, without oath, respecting the present and former place of residence of the prisoner, his general character, means of subsistence, property in ploughs, land, cattle and other goods and chattels; he shall also require them to state whether the individual suspected associates with persons of bad character, robbers or armed men; and if so, the names of such persons; whether he is frequently absent from his house or place of residence at night without sufficient cause; whether his expenses are in proportion to or exceed his means; whether any person in the village bears the prisoner enmity, and whether the prisoner was ever before apprehended, and if so, on what account.

Police-officer, when directed to make a local inquiry, shall take the evidence of certain persons, as to the suspected person's mode of life.

Fifth.—The sooruthal, containing the result of the inquiry above directed, shall be signed by the persons assembled, and if the result of the inquiry be favourable to the character of the prisoner, the darogah shall only forward his report, and await the orders of the magistrate, but if unfavourable, a sufficient number of the subscribing witnesses, not in any instance exceeding four, (unless under the special orders of the magistrate) shall be immediately required to execute recognizances, to appear and give evidence in the fouzdarry court.

This report if favourable, shall alone be transmitted to a magistrate, if not, witnesses shall be immediately bound over to appear.

Sixth. Whenever a person of bad character may be liberated from custody, or may be released from jail, after the expiration of a specific sentence of imprisonment, and the magistrate may be of opinion, with reference to the character of the prisoner, that his future conduct should be watched, such individual shall be sent to the thannah division in which his habitation may be situated, and shall be released by the officers of the police, in the presence of the munduls, putwarries, and other head men and watchmen of the village to which the person liberated may belong, who shall be enjoined to afford him all practicable aid in procuring an honest livelihood; but at the same time to keep a vigilant inspection over his conduct and mode of living, and to give timely information to the police-officer of the jurisdiction in the event of his being absent from his village at night without giving notice of his intention, or of his associating with individuals of bad reputation, or of his ceasing to labour or to obtain a livelihood by creditable means; in all which cases they will be held responsible and liable to the penalty stated in the next clause, unless they give due information of the circumstances to the thannah.

Persons of bad and suspicious character, discharged from confinement, are to be released in presence of head men of their village, who shall be liable to a penalty in the event of their not giving certain information.

Seventh.—On the occasion of releasing a prisoner under the provisions of the foregoing rules, the police-darogah shall report to the magistrate the names of the munduls and other head men of the village, present at the time of the prisoner's discharge; and if the person released should hereafter be convicted of any criminal offence, and it be established that the head men of the place neglected to furnish the information required by the preceding clause, they shall be liable to the payment of a fine, not exceeding one hundred rupees, from each individual, commutable, in default of payment, to one month's confinement in the civil jail.

Penalty specified.

Eighth.—It shall be the duty of the darogahs of police to apprehend all vagrants and suspicious persons, of whatever denomination, wandering about the country in parties, or lurking about individually, without any fixed place of abode; or who, though resident in a particular place, may have no ostensible means of honest livelihood, and who, on examination, may be unable to give a satisfactory account of themselves.

Darogahs shall apprehend all vagrants.

Ninth.—Police-darogahs receiving information of the resort of persons of the description specified in the preceding clause, shall, previous to their apprehension, make such summary inquiry as the nature of the case may admit, without risk to their escape; and in the event of strong suspicion attaching to them, shall secure their persons, and unless on examination, without oath, respecting their names, connexions, place of residence, occupation and means of livelihood, they can render a satisfactory account of themselves, shall forward them forthwith to the magistrate, together with a report of the circumstances under which they may have been arrested, and of the inquiry made.

On receiving information of their resorts, care to be used in their apprehension and examination.

When names are not known, darogah may apprehend without a specific warrant; when large bodies of vagrants are assembled he shall apply for assistance to certain authorities.

Tenth.—In cases where the names of the vagrants or other suspicious persons cannot be ascertained, it shall be competent to the police-darogah to apprehend such persons without a specific warrant, and in the event of any number of persons of this description being in sufficient force to resist the officers of the thannah, the darogah shall require the aid of the local zemindar, or other landholder or farmer, or of the police-officers of the adjacent thannah, or shall apply for assistance from the Sudder-station, according to the exigency of the case.

In what cases the darogah empowered to admit such persons to bail, and to wait the magistrates orders.

Eleventh.—After the apprehension and examination of the persons suspected, should the information, upon which the police-darogah acted, prove to be incorrect, and no sufficient reason appear for sending them to the magistrate, the darogah shall admit the parties to bail, if they are able to furnish sufficient security, and shall report the circumstances to the magistrate, without sending them to the Sudder-station, till the receipt of an order to that effect.

Darogahs enjoined to be careful in the execution of this duty.

Twelfth.—In enforcing the provisions contained in the preceding rules, the darogah and other officers of police, and the village watchmen, shall be careful not to confound strangers coming from the adjacent districts or countries, for the evident purpose of cultivating land or exercising their several professions, with vagrants or other suspected persons. On the contrary, the darogahs shall afford all due and reasonable encouragement to persons coming of their own accord into their respective limits, who may be desirous of settling therein from such industrious motives; the police-officers will nevertheless keep a watchful eye over such persons so long as it may appear necessary, and the darogahs will invariably report to the magistrate every instance that may come to their knowledge of an accession of this nature to the population of their respective divisions.

Village Watchmen.

Darogahs shall keep a complete list of village Watchmen.

XXI. First.—It shall be the duty of the darogahs of police, under the guidance and instruction of the magistrate, to prepare and keep up at their thannahs a complete register of the village watchmen employed within the limits of the authority of the said darogahs respectively, drawn out after the form No. 6, of the Appendix; and upon the death or removal of any of the watchmen, the landholders and other persons, to whom the right of nomination to such vacancies shall belong, shall send the names of the persons whom they may appoint to the darogah of the jurisdiction, that they may be registered by him as above directed.

Zemindars or other authorized persons to nominate a successor on the occurrence of a vacancy.

Second.—The village watchmen are declared subject to the orders of the police-darogahs.

Village watchmen subject to police-darogahs.

Rule for the delivery of reports of watchmen residing at a certain distance from the thannahs.

Third.—Village watchmen who may reside within one coss of the thannah station, to which they may be subject, shall report daily to the thannah all occurrences connected with the police, which may have happened in their respective villages during the preceding twenty-four hours; village watchmen residing from one to three coss distant from the thannah shall furnish similar reports twice every week; and all other watchmen whose residence may be situated at a greater distance shall report once in every week or fortnight, as they may be specially instructed by the police-darogah so to do.

Occurrences reported by the village watch, to be entered in thannah diaries.

Fourth.—All occurrences reported by the village watchmen shall be recorded by the mohurrirs in the thannah diaries; but it shall not be considered necessary to enter in such diaries the reports of watchmen who have no communications to make further than that the peace of their divisions has been undisturbed since their last report.

Proclaimed offenders, and those taken in the commission of public offences, shall be sent to the thannah by the village watchmen, who shall give the earliest intelligence of the residence of offenders, and commission of crimes.

Fifth.—The village watchmen shall apprehend and send to the darogah, or other police-officer presiding at a thannah, any person who may be taken in the act of committing murder, robbery, housebreaking or theft; also proclaimed offenders, and persons against whom a hue and cry shall have been raised of their having been concerned in a recent criminal offence. It shall further be the special duty of the village watchmen to convey to the thannah immediate intelligence of any robbers who may have concealed themselves in their respective villages, or in the adjacent country; and also of any vagrants, or other persons who may be lurking about the country without any ostensible means of subsistence, and who cannot give a satisfactory account of themselves. It shall likewise be the business of the village watchmen to convey early intimation to the thannah of all murders, robberies, burglaries, thefts, violent

violent affrays, and other heinous offences perpetrated in the villages or places in which they may be stationed.

Sixth.—The report of the village watchmen to the police-officers of the regular establishments shall be made verbally; and they shall not, unless they appear as prosecutors, be sworn to their depositions at the thannahs, or be detained at the thannahs, or sent into the magistrate's court, unless on account of misconduct, or under the special orders of the magistrate.

Rule for receiving the reports of village watchmen.

Seventh.—Darogahs of police shall invariably ascertain and report, when making inquiries on the occasion of any robbery, burglary or theft, the conduct of the village watchmen; and whether they were present at their posts when the offence was perpetrated; if not, the cause of their absence, and whether there may be reason to believe that they were themselves concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a village watchman, the darogah shall either send the individual to the magistrate, with a separate report of the grounds of the charge exhibited against him, and evidence to establish the same, or shall forward a report, in the first instance, and wait the instructions of the magistrate, as the nature of the alleged offence may dictate. In the event of any gross neglect or misconduct in the discharge of his duty, as a police-officer, being established against a village watchman, he shall be liable to dismission from his station by order of the magistrate, independently of any punishment to which he may be subject for specific acts of criminality, under the laws and regulations in force.

Supervision to be exercised by the darogah.

Penalty upon proof of negligence or abuse.

Eighth.—The darogahs, or their police-officers, are prohibited, under penalty of dismission from office, from employing the village watchmen on their private concerns, or on any duties unconnected with the police.

Watchmen not to be employed on darogahs private concerns.

Ninth.—In those towns and villages where the darogahs of the mofussil police jurisdiction, or the officers of out-posts may be stationed, the duties of watching and patrolling shall be performed conjointly by the regular police-officers and the village watchmen, and private watchmen, entertained by individuals for guarding their habitations, shops, or warehouses, shall also afford their assistance, and be considered subject, in the performance of this duty, to the orders of the police-darogahs of the station.

In places where regular police establishments may be stationed, duties of watching, by whom to be performed.

Tenth.—On the occurrence of a gang or highway-robbery, or any robbery by open violence, murder, burglary or theft, attended with wounding, or any other heinous offence, attended with a violent breach of the peace, the village watchmen shall, to the utmost of their ability, resist and endeavour to apprehend the offenders, and shall require the head men of the village to collect the inhabitants and to oppose and seize the criminals, or to pursue them, if they have fled; and it shall be incumbent on the inhabitants of the villages through which, or near to which, the pursuit may lay, to afford, on the requisition of the village watchmen or other police-officer, every practicable assistance towards the apprehension of the robbers or other offenders, and recovery of any property stolen or plundered by them, continuing the pursuit from village to village. Any head man or watchman of a village, who may be convicted before the local magistrate of wilful inattention to such requisition, shall be liable to fine and imprisonment, not exceeding the limitation prescribed by Section XIX, Regulation IX, 1807.

The village watchmen to resist robbers to the utmost of their power, and to require zemindars and head men to lend their assistance in the pursuit and apprehension of criminals.

Penalty for their refusal.

Concurrent jurisdiction of Police-Darogahs.

XXII. First.—Whenever a police-darogah may receive intelligence of any murder, gang-robbery, or other heinous crime, having occurred within his jurisdiction, the perpetrators of which may not have been apprehended, he shall dispatch immediate information of the occurrence to the neighbouring police-darogahs, both in the district in which his thannah may be situated, and in the adjacent districts.

Darogahs to transmit intelligence of heinous crimes, (if the perpetrators be not apprehended,) to neighbouring thannahs;

Second.—The darogahs and other police-officers are empowered, either under the warrant of the magistrate, or without such warrant, to pursue persons charged with the crimes above mentioned, into the jurisdiction of other darogahs, whether subject to the same magistrate or to the magistrate of any other zillah or city; and the magistrates, darogahs, police-officers, landholders, farmers, gomastahs of villages, cultivators of land, and all other persons having authority, or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance

And may pursue into other thannahs or zillahs.

assistance in their power to the pursuing officers, for the apprehension of the offenders.

Under what circumstances a concurrent jurisdiction to be exercised.

Third.—It is to be understood, however, that this concurrent authority is to be exercised by the police-officers only, in those cases in which the crime shall have been committed within their own respective jurisdictions; or in the event of the crime having been committed in any other jurisdiction, when the offender shall be actually within their jurisdiction at the time, the charge may be preferred to them; and it shall not be lawful for the darogah of one zillah or jurisdiction to issue a warrant for the apprehension of an offender, being or residing in another zillah or jurisdiction, at the time of a complaint being preferred, for any crime not committed within the limits of his own jurisdiction. In such cases, the complainant must apply, in the first instance, to the magistrate of the zillah, or to the darogah of the jurisdiction in which the crime or misdemeanor shall have been committed, or in which the offender may reside or be found. But should the complainant first prefer a written application to the darogah of another jurisdiction, such darogah shall record in his diary the name of the complainant, the nature of the charge, and the date on which the complainant may have been referred to another darogah. The date and ground of such reference shall also be indorsed upon the application, to be returned to the complainant.

Rule in the case of a darogah apprehending offenders in the jurisdiction of another magistrate

Fourth.—Whenever the police-officers employed under one magistrate shall apprehend offenders in the jurisdiction of another magistrate, in virtue of the powers vested in them by the preceding Rules, they shall immediately deliver to the darogah of the police jurisdiction, in which the offenders may be apprehended, a list of their names, and a statement of the crimes or misdemeanors with which they may be charged; and the latter darogah shall immediately forward such list and statement to the magistrate to whose authority he may be subject.

Rule with regard to invalid thannahs.

Fifth.—The police darogahs, in pursuance of Section XV, Regulation I, 1804, are empowered to issue process within the limits of the invalid thannahs in the same manner as in other parts of the country.

Prosecutors and Witnesses.

Subpoenas how and by whom to be served.

XXIII. First.—Subpoenas to prosecutors and witnesses shall be drawn out according to the form No. 11, of the Appendix, and shall be served by a single burkundauze, but the darogahs are strictly prohibited from delivering summonses to parties or their agents, to be served on their own witnesses.

Rules for the execution and delivery of recognizances of witnesses and prosecutors.

Second.—Prosecutors and witnesses, whose attendance may be necessary at the criminal courts, shall execute recognizances, (Mochulkas) according to the form No. 12 and No. 13 respectively, of the Appendix, before the police-officers, to appear before the magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody; the police-officer in whose presence the recognizance may be executed shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a dispatch addressed to the magistrate, and drawn up after the form No. 14 of the Appendix, which the prosecutor or witness shall be required to deliver in person to the magistrate, unaccompanied by any officer of police.

Darogahs shall, in certain cases, require bail from prosecutors for their appearance before the magistrate.

Third.—The police-officers are prohibited from subjecting prosecutors to any degree of restraint, unless their complaints should appear on inquiry to be false and malicious; in which case, the circumstances shall be reported to the magistrate, and the complainant shall be required by the darogah to furnish bail for his appearance before the magistrate; in the event of his not conforming to such requisition, he shall be forwarded under custody to the fouzdar court.

Witnesses shall be subjected to no restraint, nor required to give security. Penalty for refusing to execute recognizance.

Fourth. The officers of police are strictly enjoined not to subject witnesses to any restraint or unnecessary inconvenience, nor to require them to give security for their appearance, but if any witness shall refuse to attend or to execute the recognizance directed in Clause Second of this Section, it shall be competent to the darogah or other police-officers presiding at the thannah, to forward such witness under custody to the magistrate's court.

Summons.

Summons.

XXIV. First.—On a complaint being preferred in writing to a darogah, or to any other officer of police authorized to receive the same, against a person subject to his jurisdiction, for any bailable crime or misdemeanor declared by this Regulation to be cognizable by the native officers of police, and which may not require the immediate apprehension of the accused, the police-officer receiving such complaint, upon the party complaining making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath or declaration, if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to on oath, or under solemn declaration by some other credible person or persons, shall issue a summons under his official seal and signature, to be served through a single burkundauze, or through any known and accredited agent of the party complained against, who may be on the spot and willing to receive the same in behalf of his principal, but no summons shall be delivered to a complainant to serve on the person accused.

On complaints supported by oath or solemn declaration, summonses shall be issued by a single burkundauze, and not by the party complaining.

Second.—Police-officers intrusted with the service of summonses, in cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of the process, and, in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party whose attendance is required.

When bail is not required, acknowledgment of receipt of process is sufficient.

Third.—The summons to be issued by police-officers under the Rules contained in the preceding clauses, shall be made out in the form of No. 15 of the Appendix; but if the charge be of a serious nature, and such as may appear to require bail to secure the appearance of the party accused, either in person, or by vakeel before the magistrate, the summons shall be drawn up according to the Form No. 16, and shall specify the bail to be given, which is in no case to exceed what may be sufficient to prevent the parties absconding, before the case shall come before the magistrate, who will then issue such further process or order as he may judge proper.

Forms of bail for trivial or more important offences, bail shall not be excessive.

Fourth.—If an accused person on whom a summons shall have been served as directed in the preceding rules, shall not attend in person or by vakeel, and give bail (if required) according to the exigency of the summons within the period limited by it, the darogah shall issue a warrant (according to the Form No. 17 of the Appendix), under his official seal and signature, for the apprehension of his person.

What warrant shall be issued, in cases of persons neglecting summons.

Fifth.—Whenever any process may be issued by a magistrate or darogah of police for the attendance of any prosecutor or witness, or for the apprehension of any defendant (not being a proclaimed offender,) and such person may be absent, or may have absconded, the police-officer intrusted with the process shall require the proprietor, manager or head person of the village in which the person summoned may be said to reside, to furnish a written certificate of the individual's absence, engaging therein either to cause the attendance of the individual summoned on his return to his village, or to give information at the thannah of his arrival.

In case of absence, or absconding of the offender, darogah shall require from the head person of his village an engagement that he will deliver him up on his return, or give information of his appearance.

Sixth.—Should it afterwards be established, on inquiry before the magistrate, that the person summoned was actually in the village at the time of the execution of a certificate of the above description, or should it be proved that he returned to the village afterwards, and that the person executing the certificate had wilfully neglected to give due intimation of his return to the officers of the police, the person so offending shall be liable to be fined by the magistrate, in any sum not exceeding two hundred rupees, and in default of payment to be confined in the civil jail for any period not exceeding one month.

Penalty for failure in this engagement.

Arrest of Persons and Bail.

XXV. First.—Upon a complaint being preferred in writing to a darogah, or other police-officer authorized to receive the same, or on the receipt of credible information, whether given by confessing prisoners against accomplices, or by other persons against any person subject to his jurisdiction, for any crime of a heinous nature, such as murder, robbery, house-breaking, maiming, wounding, theft, setting fire to a village, house or other building, counterfeiting the current coin, or knowingly uttering base coin, or any crime involving a dangerous breach of the peace, such as a violent affray, or assembling persons to commit an affray, or any similar offence

In charges of a serious nature made on oath or solemn declaration, and under certain circumstances, a warrant to be issued.

requiring the immediate apprehension of the offender, and on the complainant or any other credible person or persons acquainted with the case, deposing on oath (or under a solemn declaration) to the truth of the complaint, the darogah shall examine the complainant, or party deposing, regarding the circumstances of the case; and on his being satisfied from the particulars communicated that there are grounds to believe that the charge is well founded, and that the immediate apprehension of the offender is necessary to the ends of justice, the darogah or other police-officer, by a warrant under his seal and signature, drawn out according to the form No. 17 of the Appendix, shall cause the person accused to be apprehended and sent in safe custody to the magistrate, within forty-eight hours after his apprehension, unless any special reason appear why the issue of process for apprehending the party accused should be stayed until the charge be reported for the orders of the magistrate, in which case such report shall be made without delay.

Warrant by whom
to be served, and how
to be executed.

Second.—Warrants issued by the police-darogah shall be served by the jummadar and burkundauzes of the thannah, and the mode of execution shall be certified on the back of the process, which shall be filed and sent into the magistrate, together with the report and chelan which may accompany the prisoners.

Darogah to require
assistance of land-
holders and others
when necessary.

Third.—In issuing processes of arrest in cases in which the darogah of police may apprehend resistance, or on any occasions where the assistance of the landholders, or farmers, or their local agents may be necessary for the due execution of the process, the darogah shall, on the face of the dustuck, or warrant, specifically require in writing, the proper landholder or farmer, or local agent, (as the case may be,) to back the process, and to afford their aid for effecting its due execution.

Offenders tak-
ing refuge to be
handed with
written warra-

Fourth.—Darogahs, mohurris or jummadars of the police, shall be competent to apprehend, without a written charge or warrant, persons who may be found in the act of committing a breach of the peace, or against whom a general hue and cry may be raised immediately after the commission of the criminal offence, or who shall be detected with stolen goods in their possession; but on such occasions it shall be incumbent on the officer of police by whom the arrest may be made to record his reasons for seizing the offending party, and to forward such person forthwith, together with a report of the circumstances of the case, to the magistrate of the district.

Dwelling-houses not
to be forcibly en-
tered, except in cases
of necessity.

Fifth.—Officers of police shall not without necessity break open the door of a dwelling-house, or of any place of habitation, for the purpose of executing a warrant or other process of arrest. But if certain information be received that a person charged with murder, robbery, or other heinous offence, or violent breach of the peace, and against whom a warrant or other process of arrest may in consequence have been issued, is concealed within a house or other building, and such person shall not deliver himself up on the requisition of the police-officer, bearing a written warrant and the written process to apprehend him, the latter may, in the presence of two or more creditable inhabitants of the place, break open the outer door of the house, or other building, and also the door of any interior apartment, not being a zenanah or female apartment in the actual occupancy of women, by the usage of the country considered private, for the purpose of executing the warrant, or other process of arrest intrusted to him.

Zenanahs shall not be
entered, except upon
credible information
that offenders are
there concealed, and
the women to be pre-
viously allowed to
withdraw.

Sixth.—In such cases, if information be received that the person accused has concealed himself in a zenanah or female apartment, in the actual occupancy of women, the police-officer employed to execute the warrant shall surround the house, or take such other precaution as may be requisite to prevent the escape of the accused; and shall endeavour to ascertain, by the means of two creditable women, unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not on a further requisition deliver himself up, it shall be competent to the police-officer, in the presence of two or more creditable residents on the spot, to break open the female apartment and execute the process intrusted to him, giving notice at the same time to any women in the zenanah, that they may be at liberty to withdraw.

Abuse of power sub-
ject to exemplary
punishment.

Seventh.—Any wilful abuse and perversion of the powers hereby vested in police-officers for the ends of public justice will subject them, on conviction before the magistrate or Court of Circuit, to exemplary punishment, according to the circumstances of the case, besides immediate dismissal from office.

Eighth.

Eighth.—Persons charged with the commission of murder, robbery, house-breaking, theft, setting fire to any house or village, counterfeiting the coin, mailmen, or serious wounding, where the life of the party wounded may be in danger, shall not be admitted to bail, provided that there may appear reasonable grounds for believing that such persons have been guilty of the crime imputed to them; but in all other cases, if sufficient bail be tendered for appearance before the magistrate, the darogah or other police-officer shall accept such bail, and shall immediately release the party apprehended.

In what cases bail shall not be accepted.

Ninth.—The bail to be taken for appearance before the magistrate, in pursuance of the preceding Rules, shall be in the form No. 18 of the Appendix.

Form of bail.

Tenth.—Persons who may wound or slay murderers, robbers or thieves in their own defence, or in defence of their property, shall not be proceeded against or placed in restraint, or required to give bail, except under the special orders of the magistrate; police-officers are strictly prohibited from acting in violation of the rule, under penalty of dismission from office.

Persons wounding or slaying in self-defence, not to be proceeded against except under special orders of magistrate.

Eleventh.—In cases of manifest necessity, when the darogah or other officer of police may be apprehensive of danger to the public tranquillity, by the enlargement of a person arrested on a charge of affray, violent assault or other bailable offence, without security being taken for his peaceable conduct, the party apprehended shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace, and the surety (or sureties) shall execute a recognizance according to the form, No. 19 of the Appendix, in an amount to be regulated by the circumstances of the case, and the condition of the person executing the same.

In cases of manifest necessity, security for peaceable conduct shall be required in addition to bail. Form of recognizance to keep the peace.

Resistance or Evasion of Criminal Process.

XXVI. First.—If any person or persons shall resist or cause to be resisted the execution of any legal warrant or process, which the officers of the magistrate's court, or the officers of police may attempt to serve, or shall endeavour to rescue any person arrested, or under the custody of the magistrate's officers, or the officers of police, the darogah, if practicable, shall cause such offenders, as well as persons concerned in the resistance or rescue, to be apprehended and forwarded to the magistrate, with a report of the circumstances of the case, and the necessary evidence for establishing the misconduct of the accused; in case of actual rescue or violent resistance he shall also, if necessary, call in the aid of the officers of police stationed in the adjacent thanahs, who shall conform to such requisitions, provided they are conveyed in writing.

Persons resisting process shall be apprehended and sent to a magistrate.

In extreme cases neighbouring thanah officers shall be required to assist.

Second.—In modification of the provisions contained in Sections II and IV, Regulation XI, 1796, and Sections II and IV, Regulation III, 1804; the following rules are hereby prescribed for the guidance of the magistrates and police-officers in cases of resistance or evasion of criminal process.

Provisions of former regulations, modified by the following rules.

Third.—If the person convicted of resisting or causing to be resisted the process of a magistrate, or police-officer, be a proprietor of land, or a sudder farmer paying revenue to Government in any zillah or city jurisdiction, not being that in which the offence shall have been committed, and it appear just and proper, on due consideration of the circumstances of the case, to extend the penalty of forfeiture declared in Section II, of each of the Regulations above mentioned, to the whole or any part of such lands or farms, it shall be competent to the magistrate to adjudge the same, subject to the prescribed confirmation of the court of Nizamut Adawlut, and the final orders of the Governor General in Council.

Property in other zillahs of landholders resisting process shall be liable to confiscation, under confirmation of Nizamut Adawlut, and Government.

Fourth.—In like manner, if a person charged with an offence of a criminal nature, who may abscond or conceal himself, so that the process issued against him cannot be served, shall possess land or other immoveable property, or a sudder farm paying revenue to Government in any other zillah or city jurisdiction than that wherein the offence charged against him may have been committed, and it shall appear necessary to attach the same with a view to cause the attendance of the accused person under the provisions of Sections IV, V and VI, of the Regulations specified in the preceding clause, it shall be competent to the magistrate, to whom the charge may be preferred, to order the attachment of the whole or any part of such property or farms; and the provisions of the three Sections referred to shall be considered applicable in such cases.

Property in land in other zillahs of persons absconding, shall be liable to be attached, with a view to cause their appearance.

Discretion vested in magistrates to award a certain fine.

Fifth.—In all instances of resistance to the process of a magistrate or police-officer, wherein the magistrate may be of opinion that a fine to Government, not exceeding two hundred rupees, commutable, if not paid, to imprisonment, not exceeding six months, will be an adequate punishment for the offence, he is authorized to adjudge the same instead of the forfeiture of land or farm; and his judgment in such cases, as well as in all cases wherein a similar judgment may be passed by him against persons not being proprietors of land or sudder farmers, shall not be referable to the Nizamut Adawlut, but shall be final, unless altered or rescinded by the superior Criminal Courts, under the general Rules in force.

Moveable property of persons not being proprietors of land, evading or resisting process, liable to immediate attachment in case of suspicion of removal.

Sixth.—If any person amenable to the authority of the zillah or city magistrates and police-officers shall resist or cause to be resisted any warrant, summons or other process of a zillah or city magistrate, or of any authorized magistrate or police-officer, and such person cannot be apprehended; or if any person charged with a criminal offence of a heinous nature shall abscond or conceal himself, so that, on a warrant issued against him at his usual place of residence by the local magistrate or police-officer, he cannot be found, and the party so resisting or evading the process against him be not a proprietor or sudder farmer of land, capable of attachment under the provisions of the Regulations mentioned in the preceding Section, and the foregoing clauses of the present Section, but shall be in possession of any moveable property which can be attached, and the removal of which might be expected, if not placed under immediate attachment, the police-officer issuing or serving the warrant in such cases is hereby authorized, on receipt of credible information that the person against whom the warrant is issued has recently absconded, or concealed himself for the purpose of evading it, to cause the attachment of any moveable property belonging to the absconding or concealed party within his jurisdiction, giving at the same time immediate information to the magistrate of the district, whose previous instructions shall be applied for when there may be reason to expect a removal of the property.

But till the magistrate's orders be known darogah shall only prevent removals.

Seventh.—The magistrate, on receipt of information directed in the above clause, will determine whether the case be such as to require a continuance of the attachment till the appearance of the accused person, or till a proclamation shall have been issued for his attendance, under the provisions of Regulations XI, 1796, and III, 1804, and will transmit instructions to the police-darogah accordingly, either for the release of the property attached by him, or for continuing the attachment, and taking an inventory of the property, in conformity with the following clause. Till the receipt of such instructions the police-officers shall adopt such measures only as may be requisite to prevent a removal of the attached property.

Rule of proceeding in making the attachment.

Eighth.—On receipt of the magistrate's instructions for an attachment of moveable property, the darogah of police, in the presence of two or more respectable inhabitants of the place, shall cause an exact inventory of the articles attached to be taken and duly attested, after which he shall deliver the property in charge to the head men, or any two or more respectable inhabitants of the place, taking an acknowledgment for the same, which shall be forwarded, together with an inventory of the property, to the magistrate.

Property shall be carefully preserved, and a strict account rendered, when the offender shall be entitled to receive it back.

Ninth.—In all instances where an attachment of property may be made under the foregoing rule, the police-darogahs shall enjoin the persons into whose charge the same may be delivered, to take care that there is no injury done to the property; and if the person charged appear within the period specified in the proclamation, the magistrate shall immediately, on the attendance of the party, cause the attachment to be removed, and a full account rendered of the property attached, subject only to any unavoidable expense which may have attended the attachment.

In the event of non-appearance or continued evasion, property to be sold for payment of fine, or benefit of Government.

Tenth.—If the proclaimed person shall not appear within the period fixed by the proclamation, the attached property, in cases of resistance of process, will be liable to public sale by order of the magistrate, for the purpose of making good any fine imposed on the offender; or should the attachment of moveable property have taken place under an evasion of process, it shall at the end of six months, supposing the absentee not to attend during that period, be at the disposal of Government, in common with any landed property attached under similar circumstances in pursuance of the Regulations in force.

Rule for proclaiming magistrate's order for appearance.

Eleventh.—Whenever a proclamation may be issued through a police-darogah by order of a magistrate, requiring the attendance of any person who may have evaded or

or resisted the processes of the court, the darogah shall, in the presence of two or more creditable persons, not connected with the thannah establishment, cause such proclamation to be publicly read and promulgated by beat of drum, and affixed in the police-thannah, and on the outer door of the house which the party may have usually inhabited, or some conspicuous place in the village in which he may have generally resided.

Twelfth.—On the expiration of the period specified in the proclamation, if the offender shall not appear to answer to the charge alleged against him, the darogah shall certify to the magistrate the mode in which the proclamation has been issued, and the date, time and place of promulgation, and shall send a sufficient number of witnesses to prove the due publication of the process.

On non-appearance, darogah shall report the due promulgation with witnesses.

Thirteenth.—If any zemindar, farmer, local manager or other person, to whom a magistrate may have issued a warrant or order, in pursuance of Regulation III, 1812; or of any other Regulation in force for the apprehension of a person or persons proclaimed or charged with or suspected of a crime, shall apply to an officer of police for co-operation and support in the execution of such warrant or order; the police-officer to whom the application may be made, shall afford every assistance in his power for the due enforcement of the process, and, if required so to do in conformity with the Sixth Clause of Section IX, Regulation III, 1812, shall receive charge of the prisoner from the zemindar, farmer, local agent, or other person, and shall grant a written acknowledgment, specifying the name of the prisoner and the date on which he was delivered into his charge; he shall also, without delay, forward the prisoner under safe custody to the magistrate. If the person named in the application made to the police-officer should not be apprehended, the particulars of the application, and of the measures taken in consequence, shall be recorded, for the information of the magistrate, in the thannah-diary, prescribed by Section VIII of this Regulation.

Darogah shall assist zemindars required by magistrate to produce offenders; they shall also receive charge of them.

Fourteenth.—If any police officer in his endeavours to secure a proclaimed offender, for whose apprehension a proclamation may have been issued under the provisions of Regulation IX, 1808, should wound or slay him in consequence of his standing on his defence, or of his flying, the officer so wounding or slaying the criminal shall be deemed entirely guiltless with respect to that act; in like manner, if any police-officer intrusted with or assisting in the execution of any legal warrant for the apprehension of a person charged with murder, robbery, or other heinous crime, or pursuing a robber or murderer immediately after the commission of the crime, or resisting him during his attempt to perpetrate the crime, should wound or slay the offender in endeavouring to apprehend him, such police-officer shall be held guiltless of any criminal act.

Darogahs wounding or killing proclaimed offenders who may resist to be held guiltless.

Fifteenth.—All rewards for the apprehension of proclaimed offenders, which may be sanctioned by the Regulations, and promulgated under the seal or signature of a magistrate, joint magistrate, or of the superintendants of police, will, if the offender be seized by the officers of police or other persons, be payable on the delivery of the person proclaimed to the magistrate of the zillah or city in which the offender may have been seized, as provided by Section XV, Regulation XVI, 1810.

Rewards shall be payable by the magistrate of the zillah or city in which offenders may be apprehended.

Distrain for Arrears of Land Rent.

XXVII. *First.*—Section VIII, Regulation III, 1812, is hereby rescinded, and the provisions contained in Sections IX, X and XI, Regulation VII, 1799, in Sections IX, X and XI, Regulation V, 1800, and in Sections XVII and XIX, Regulation XXVIII, 1803, as far as they authorized any aid to be given by the police-officers to distrainers for arrears of rent, are declared subject to the following modifications.

Provision of former regulations modified.

Second.—Landholders, farmers and their local agents, or other persons empowered by the regulations to distrain for arrears of land-rent, who may be opposed, or who may be apprehensive of resistance in effecting the regular distraint, or in maintaining possession of property previously distrained, are authorized to apply to the darogah of the thannah, in whose jurisdiction the property may be, for assistance in making or maintaining the regular distraint; and the darogah, in order to support the distrainer and to prevent a breach of the peace, shall, on the distrainer certifying on oath or by a solemn declaration the opposition he has experienced, or the resistance which he apprehends, depute a muskooree peon, with a written process, bearing the seal of the

Darogah shall issue a written process upon occasion of resistance, made or apprehended to an authorized distrainer.

thannah, and signature of the darogah, and drawn up according to the form No. 20, of the Appendix.

Deputed peon shall attend to the proceedings of the distrainer.

Third.—It shall be the duty of the muskooree peon to exhibit to the defaulter the process prescribed by the preceding clause, and to use every means in his power to prevent resistance or other breach of the peace; and unless the arrear is liquidated, to support the distrainer in the exercise of the powers vested in him by the Regulations. He shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereon, if afterwards required, either before the judge or magistrate.

Resistance being offered to the peon, darogah, or moherir or jummadar, shall proceed to his assistance.

These officers only shall search dwelling-houses for distrained property.

Fourth.—Whenever any peon, deputed under the foregoing rules, may depose that he has been opposed in the execution of such duty, or the darogah may be satisfied from the representation made on oath by the distrainer, in the first instance, that any resistance has been offered, amounting or likely to amount to a breach of the public peace, the darogah of police shall either proceed in person, or shall depute the moherir or jummadar of the thannah to support the distrainer and maintain the peace. He shall also proceed in person, or depute the moherir or jummadar of the thannah, whenever it may be proposed by a distrainer under the powers vested in him by the Regulations, to force open the outer door, or to search the private apartments of a dwelling-house in which the distrainable property of a defaulter may appear to have been concealed.

Burkundauzes shall assist in distraint, under orders of darogah, moherir or jummadar only.

Landholders, indigo planters, and others, shall not use stocks or other instruments of restraint.

Fifth.—The regular burkundauzes of the police establishment shall not be employed to aid distrainers for arrears of land-rent, except in cases where the darogah, moherir or jummadar may proceed in person under the Rules above prescribed.

Sixth.—The landholders, farmers and other local agents, and indigo planters, and other persons, are prohibited from using stocks, or any other instrument of restraint, for the purpose of confining ryots, or other individuals indebted to them, on any account whatever; and the darogahs of police shall report to the magistrates, for such orders or process as may appear proper under the general Regulations, all instances which may come to their knowledge of a violation of this rule.

Allowance and mode of payment of peons employed in distraint, not in the service of Government.

Seventh.—Whenever any muskooree peons, not receiving wages from Government, may be employed by a police-darogah under the provisions of this Regulation, he shall receive tulubana, or diet-allowance from the person at whose instance he may be employed, at the rate of two annas per diem; and the darogah shall not issue any process by the hands of a muskooree peon until the estimated amount of the tulubana required for the fixed allowance of the peon at the above rate, during his employment, is deposited in advance; the darogahs are enjoined to prevent the muskooree peon from demanding or receiving, directly or indirectly, from any party, in cases in which they may be employed, any allowance or gratuity exceeding the above rate, and shall report to the magistrate any instances which may come to their knowledge of the violation of this Rule.

ABKAREE.

Darogahs shall assist, on the oath of an authorized revenue officer, in distraint for arrears of abkaree revenue.

XXVIII. First.—Whenever an officer on a collector's establishment, duly authorized to distraint property on account of arrears of revenue due from any manufacturer or vender of spirituous liquors, tarry, putchuye, or intoxicating drugs, including opium, may be resisted in the enforcement of the collector's process, he shall, on certifying such resistance on oath before a darogah of police, receive the aid of the regular police-officers of the thannah in effecting the attachment; and the police-officers shall be guided in their proceedings, in regard to entering and searching houses for property, belonging to defaulters, by the rules prescribed in this Regulation, for their conduct, in cases of distraint for arrears of land-rent, as far as the same may be applicable.

Further rule for the assistance of revenue officers.

Second.—Darogahs of police shall, as directed in Section XXIV, Regulation X, 1813, support the officers of the abkaree mehal, in the execution of search-warrants, issued under the seal and signature of the collector, for the discovery of unlicensed stills, or of the produce of such stills.

In such cases zemannas of respectable persons shall not be entered.

Third.—It is provided in the Regulation cited in the preceding clause, that such search-warrants shall be executed only in the day-time, that is between sun-rise and sun-set, and, if possible, in the presence of two or more respectable inhabitants of the village in which the house or place proposed to be searched may be situated.

It

It is further provided that, in the execution of such warrants the apartments of the women, in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public, shall not be entered by the collector's officers, or by the officers of the police.

Fourth.—The licensed venders of spirits and drugs are bound by the conditions of their licences not to harbour robbers, thieves or riotous persons, nor to receive any goods or wearing apparel in barter for liquors or drugs; they are also bound not to open their shops before sun-rise, nor keep them open after sun-set, and are enjoined not to harbour any person in their shops during the night, but to give information to the nearest magistrate or police-officer of any suspected persons who may resort to their shops.

Rules to be observed by venders of spirituous liquors.

Fifth.—The darogahs of police are enjoined to report to the magistrate any breach of the foregoing conditions which may come to their knowledge.—They will also proceed against any licensed vender of spirits or drugs who may be charged with a criminal offence cognizable by them, according to the general rules in force, which are applicable to the charge.

Darogahs shall report infractions of those rules.

Execution of criminal process in the Commercial, Salt and Opium Departments; and duties of Darogahs relating to those Departments.

XXIX. First.—In all bailable cases, where it may be necessary, under the provisions of this Regulation, to summon or apprehend any weaver, manufacturer, molungee, or any officer or person engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department, the darogahs of police shall transmit the summons or warrant, under a sealed cover, addressed to the commercial resident, salt or opium agent, or the head native officer of the auring, kothee, or chokce, who will either give, or direct sufficient security to be given, for the due attendance of the party, certifying on the back of the process the manner in which it has been served, and by whom the security has been given, or causing the defendant to accompany the officer bearing the darogah's process to the thannah.

Security for the appearance of persons employed under commercial residents, accused of bailable offences, how to be given.

Second.—In cases of bailable nature, in which a person under engagements, and employed in the Commercial, Salt or Opium Department may be summoned under the provisions of the preceding clause, during the manufacturing season, the darogah of police shall, with the view of preventing unnecessary interruption to the manufacturer, require the party summoned to appear in person or by vakeel, either during or after the manufacturing season, as the circumstances of the case may dictate, subject to the future orders of the magistrate, to whom the darogah shall in each instance report the reasons which may have influenced him in the exercise of the discretion here vested in him.

In such cases the accused shall not be forced to appear till after the manufacturing season.

Third.—Summonses to weavers, manufacturers, molungees, or to any officers or persons engaged in the provision of the Company's Investment, or employed in the Commercial, Salt, or Opium Department, to attend as witnesses, shall be served in the manner directed by the preceding clauses of this Section; but the commercial resident, salt or opium agent, or the head native officer of the auring, kothee or chokce, shall, instead of requiring the person summoned to give security, or proceed to the thannah, take from the witness a recognizance agreeable to the form No. 13 of the Appendix, and shall deliver the same to the officer serving the process.

Rule for serving summonses on witnesses employed in the Company's aurrings, and form of their recognizance.

Fourth.—If a charge shall be preferred to a police-darogah against any weaver, molungee, or any other manufacturer, or any officer or person engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department for an offence that is not bailable, and there shall appear to the darogah of police sufficient ground under the provisions of this Regulation for apprehending the person so charged, the warrant for his apprehension shall require him to attend immediately in person, and shall be executed in the same manner as upon persons not so employed. But the darogah, after securing the offender, is to give notice of his apprehension to the commercial resident, salt or opium agent, or to the head officer of the nearest auring, kothee or chokce, as the case may be.

Warrants for offences not bailable, shall be served upon persons so employed, as upon others.

The darogah giving notice to the resident or agent.

Fifth.—The officers of police as required by the Second Clause of Section XI, Regulation VI, 1801, shall comply with applications made to them by a salt agent or superintendent of a salt chokce, or by the officers attached to the Salt Department,

Darogahs shall assist in the seizure of illicit salt.

or by any commercial resident or agent, or collector of revenue or customs, for assistance in effecting the seizure of alimentary salt illegally imported, manufactured, sold or transported, and also for the seizure of adulterated common alimentary salt, and for the attachment of the cattle, carriages, or boats used in transporting such salt.

Shall give notice of all illicit importation, adulteration or manufacture of salt.

Sixth.—If any officer of police shall receive information of any salt not made in the Company's provinces having been illegally imported into the said territories, or of salt of any description being transported without the proper rowannahs or char chittees, or of any salt being manufactured on account of individuals, by molungees or other persons, at the kharrees or salt-works established by individuals for the purpose of manufacturing salt on their own account or that of any other person, or of the adulteration of alimentary salt, by mixing with it the substance called "karce noon," or other substance, such as "natron," or native fossil alkali, or the vegetable alkali or potash, such police-officers shall transmit immediate notice thereof to the nearest officer in the Salt Department empowered to attach contraband or adulterated salt, and to the magistrate to whose immediate orders the said police-officer may be subject.

They shall not seize in the first instance of their own authority.

Seventh.—The police-officers shall confine themselves to sending the information aforesaid to the nearest officer in the Salt Department, and to the magistrate, and to assisting in the seizure of the salt, either under the orders of the magistrate, or on application from the officers of the Salt Department; and shall not seize or detain any salt in the first instance of their own authority, except when they may have been vested by order of the Governor General in Council with special authority for making such seizures, in which case they will receive separate instructions for their guidance in the performance of that duty.

Penalty for the unwarranted seizure of salt by darogahs.

Eighth.—In all cases in which it may appear that an attachment or seizure of salt has been made by an officer of police without the special orders of the magistrate, or an application from any public officer authorized to require the assistance of the police-officer by whom such attachment may be made, he shall be liable to dismissal from office, and on the institution of a regular suit in the Dewanny Adawlut on the part of the proprietor, to the payment of full damages to the whole amount of the loss and expense to which the proprietors may have been subjected.

Darogahs enjoined to suppress the illicit cultivation of opium.

Ninth.—All officers of police are strictly enjoined, under pain of dismissal from office, to assist in suppressing the illicit cultivation, manufacture, sale, purchase, importation, transportation, or possession of opium, as required by the provisions of Regulation XIII, 1816, which are herein recapitulated for their information and guidance.

Shall report cases of cultivation of the poppy; and

Tenth.—Whenever a police-darogah shall obtain intelligence of any land within his jurisdiction having been cultivated with the poppy, except with the permission or on account of Government, he shall immediately proceed to the spot, and, if the information be correct, shall attach the crop so illegally cultivated, and report the same to the magistrate.

Take security for the offender's appearance before revenue officers.

Eleventh.—Such police-officer shall at the same time take security from the cultivator of the ground for his appearance before the collector or other officer in charge of the abkaree mahal; and in the event of the cultivator not giving the required security he shall send him in custody to the magistrate, with the necessary witnesses, to prove the quantity of land which may have been cultivated by him with the poppy.

Penalty for omitting to send information.

Twelfth.—Any police darogah who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall be convicted of conniving in any respect at the illicit cultivation of the poppy, shall, besides being liable to dismissal from office for neglect of duty, be further subject, on conviction before the magistrate of the zillah, to the payment of the fine stated in Section XXXI, Regulation XIII, 1816, for whatever quantity of land shall have been so illegally cultivated within his jurisdiction with his knowledge or connivance; and the fine, if not duly paid, shall be commutable to imprisonment for a period not exceeding six months.

Miscellaneous Rules regarding Forts, armed Men, Military Stores, dress of Sepoys or Lascars, and Badges, public Roads, and insane Persons.

Darogahs shall report all circumstances that may appear to be dangerous to the public peace.

XXX. First.—The darogahs of police shall uniformly report to the magistrates whenever any individuals within their respective jurisdictions may entertain in their service any extraordinary number of armed men, or may commence building or repairing

repairing any fort or Gurhee, or collecting together any quantity of arms, ammunition, or military stores.

Second.—The darogahs of police are required to apprehend and send to the magistrate, in pursuance of Section IX, Regulation XI, 1806, all persons not actually in the Honourable Company's military service, or belonging to persons specially exempted by Government from the operation of the rule contained in the Section above mentioned, who may be found dressed in the uniform of the Company's sepoy or lascars, or in a dress so nearly approaching to that uniform as to enable the persons wearing it to impose themselves on the country people for sepoy and lascars.

Shall apprehend all unauthorized persons dressed in the uniform of Company's sepoy.

Third.—Native officers and sepoy, excepting subadars, jummadars and serangs, even though in the service of the Company, who may temporarily reside in or have occasion to travel into the interior parts of the country, being forbidden by the Fifth Clause of Section IX, Regulation XI, 1806, unless employed on the public service, to wear their uniform coats; the local officers of police are empowered and directed to apprehend all persons of the above description violating this prohibition, and to send them to the magistrate.

What persons may wear the Company's uniform, when not employed on public duty.

Fourth.—The darogahs of police are also empowered and directed to apprehend and send to the magistrate any peon, burkundauze, pyke, or other servant, not in the employ of any public officer, civil or military, who may be distinguished by a badge or chuprass in opposition to the prohibitory Rule contained in the Eighth Clause of Section IX, Regulation XI, 1806.

Persons not in the service of a civil or military officer shall be apprehended when wearing a badge or chuprass.

Fifth.—The darogahs of police shall prevent all encroachments on the public roads, and shall, at the same time, report the circumstances of each case for the information of the magistrate, and record an abstract of the same in his thannah-darry proceedings.

Darogahs shall report encroachments on the public roads.

Sixth.—The police-darogah shall secure and send to the Sudder-station of the district in which their thannahs may be situated, all insane persons found within the limits of their respective jurisdictions, from whose insanity there may be reason to apprehend any fatal or serious consequences, unless the friends of such persons will agree to enter into engagements to adopt such precautions as shall prevent their doing mischief. In such case, the police-officer to whom the engagements may be tendered, shall refrain from securing the person of the insane individual, and await the instructions of the magistrate, to whom the circumstances of the case shall be reported without delay.

Persons dangerously insane, shall be sent to the Sudder-station, unless the friends of the party enter into engagements to prevent their doing mischief.

Judges of Circuit and Europeans.

XXXI. First.—The officers of police are enjoined to show every mark of personal respect and attention to the judges of circuit during their progress from station to station.

Respect to be shown to judges of circuit in their progress.

Second.—On the arrival of any European, not in His Majesty's or the Honourable Company's civil or military service, who may propose to settle within the limits of any thannah jurisdiction, the darogah of the division shall report the circumstance for the information of the magistrate.

Darogah shall report the arrival and proposed residence of any European not in his Majesty's or the Company's service.

Third.—The police-darogahs shall, towards the close of each English year, cause the form of statement, in English and Persian, No. 21 of the Appendix, to be exhibited to all Europeans not in His Majesty's or the Honourable Company's civil or military service, residing within their respective jurisdictions, and shall require such Europeans to furnish, for the information of the magistrate, separate statements filled up according to the prescribed form, either in English or Persian.

Form of statement to be presented by darogahs to European residents, at the close of each English year.

Fourth.—The statements, prescribed by the preceding Rule shall be forwarded by the police-darogahs to the court of the magistrate on or before the 5th of January in each year.

These statements to be forwarded to the magistrate.

Despatches of Treasure.

XXXII. First.—The darogahs of police are enjoined to afford assistance on application from the revenue officers, for the safe custody and conveyance of despatches of treasure, and to allow such despatches to be deposited, during the night, for better security, within the house allotted for the thannah.

Darogahs to afford assistance and security to despatches of Government treasure.

And, as far as possible, of bankers and merchants also.

Second.—The darogahs of police shall likewise, as far as their other duties will admit, afford protection to despatches of treasure, belonging to bankers and merchants, on application from the person in charge of the same.

Rules relating generally to Landholders, Managers of Estates, &c.

Darogahs to inculcate upon landholders their duties, in giving information of crimes, apprehending offenders and preventing affrays.

XXXIII. First.—The police-darogahs shall take every favourable opportunity, when employed on local inquiries, as well as on other occasions, of explaining to the zemindars, talookdars and other proprietors of land, malgoozaree or lakheraj, to the sudder farmers and under-renters of land, dependent talookdars, naibs, and other local agents, and to all native officers employed in the collection of the revenues and rents of land, on the part of Government or the court of wards, the duties incumbent upon them, and the responsibility attached to them, under the provisions of Regulations IX, 1808, VI, 1810, I, 1811, III, 1812, VIII, 1814, and any other Regulations in force, to communicate to the magistrates and police-darogahs, either publicly or secretly, all information which they may obtain respecting the commission of murder, robbery, house-breaking, arson or theft, within the limits of the estate or farm held or managed by them respectively; or respecting the resort of any known robbers, of whatever description, or the residence of any notorious receiver or vender of stolen property, within such limits, as well as to afford their assistance in the apprehension of proclaimed offenders, and of all persons for whose apprehension warrants may have been issued by the local magistrate, in pursuance of Section IX, Regulation III, 1812; and generally to co-operate with, assist and support the police-officers of Government in maintaining the peace, preventing as far as possible affrays and other criminal acts of violence, or apprehending the offenders under the rules and restrictions which have been enacted and promulgated in the Regulations.

With this view, magistrates shall be careful to furnish darogahs with extracts or copies of certain regulations.

Second.—To enable the police-darogahs the more effectually and satisfactorily to perform the service thus required from them, the magistrates shall be careful to furnish them with copies of or extracts from all Regulations in force on the points above adverted to, or any other immediately connected with the aid to be given by landholders, farmers, under-tenants and managers of land, in support of an efficient police.

Zemindars intrusted with the charge of the police, to be furnished with copies of, and to obey this regulation.

Third.—Copies of this Regulation shall be furnished to all zemindars, or other landholders or managers of estates intrusted with the management of the police; and such zemindars, or other landholders or managers, shall observe the Rules therein prescribed for the conduct of the police-darogahs, as far as the same may be applicable to their duties as chief police-officers.

Police of Cities.

Cutwals and police-officers in cities and towns to be guided by this regulation, as far as applicable to them.

XXXIV. The cutwals and other police-officers appointed in the cities and towns shall be guided, in their discharge of the general duties of the police, by the Rules prescribed in this Regulation, for the guidance of the darogahs of police, as far as the same may be applicable, and in the special police duties of the cities and towns by the rules in force, which relate to the police of the cities and towns.

FORM No. 1.
CERTIFICATE of Dispatch.

Name of the Burkundauze.	Case.	Date and time of dispatch from the Thannah.	Date and time of arrival at the magistrate's court.	Date and time of departure from the magis- trate's court.	Remarks.
Mootee Sing.	Murder, Mootee Ram, vs. Nuttoo & others.	10th March, at the 5th hour of the day.	12th March, at the 3d hour of the day.	13th March, at the 4th hour of the day.	

FORM No. 4.

STATEMENT of crimes of a heinous nature, ascertained to have been committed or attempted within the limits of the Thannah of during the month of

No.	Crimes.	Committed.	Attempted.	Number of Offenders concerned.	Number apprehended.	Remarks.
1.	Dacoitee, attended with murder - - - -					
2.	Ditto, ditto with wounding - - - -					
3.	Simple dacoitee - - - -					
4.	River dacoitee - - - -					
5.	Wilful murder - - - -					
6.	Maihem, or malicious wounding - - - -					
7.	Highway robbery by footpads, attended with murder, wounding, or other circumstances of aggravation -					
8.	Simple highway robbery by footpads - - - -					
9.	Highway robbery by horsemen - - - -					
10.	Cattle-stealing - - - -					
	Homicide - - - -					
12.	Affrays and riots of a serious nature - - - -					
13.	Burglary, attended with murder or wounding, or other circumstances of aggravation - - - -					
14.	Simple burglary - - - -					
15.	Thefts, exceeding ten rupees - - - -					
16.	Ditto, under ten rupees - - - -					
17.	Thangee Daree - - - -					
18.	Arson - - - -					
19.	Counterfeiting the coin, or uttering base coin - -					
20.	Suicide - - - -					

N. B.—The number of accidental deaths, whether occasioned by falling into rivers, lakes, or wells; by wild beasts, venomous animals, or other causes; also any considerable mortality, whether proceeding from famine or other cause, and extraordinary event, which may be brought to the knowledge of the police-officers during the month, shall be noticed at the foot of this statement.

FORM No. 5.

REGISTER of Offenders who have escaped from Gaol, or for the apprehension of whom Proclamations may have been issued under the provisions of Regulation IX, 1808, or who being charged or suspected of the commission of specific crimes of a heinous nature may have eluded the pursuits of justice, and for whose apprehension process may have been issued from the Magistrate's Court.

Name and cast of the person, with a specification whether he may have escaped from gaol, or may have been proclaimed, accused or suspected.	Name of the father.	Supposed age of the offender.	Description of his person.	Supposed usual place of his residence.	Amount of reward offered for his apprehension.	Date of the magistrate's order for the apprehension of the offender.	Date	Date of apprehension, surrender, ascertained death.
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FORM No. 6.

REGISTER of Village Watchmen, and alphabetical List of Villages.

Names of Villages.	Distance and direction from the Thannah station.	Names of the Proprietors or Managers, and situated in what Pergunnah.	Names of the Chokeedars or Watchmen attached to each Village.	Estimated number of Houses in each Village.	Remarks.

FORM No. 7.

LIST of the Police Establishment of the Thannah of for the month of

Number.	Name of each Police Officer.	Date of Appointment.	Date of Discharge.	Absent on leave, from what date.	Amount of Salary due.

FORM No. 8.

STATEMENT of Dawk Chokees established by the Landholders, &c. for the conveyance of the Public Correspondence to and from the Thannah of situated at the distance of Coss, south from the Sudder Station.

N ^o of the Chokee.	Name of the Village or Place where the Chokee may be established, and in what Pergunnah.	Name and residence of the person to whom the papers are to be delivered for dispatch.	Names of the Dawk Peons at each Station.	Name of the landholder or local Agent, and his place of residence.	Distance of one Chokee from another.	REMARKS, Containing particulars in regard to the direction of one Chokee from another, Rivers, Ghauts, &c. &c.
1.	Lal Gunge, Pergunnah Booznah.	Manick Mundul, of Mouza Lal Gunge.	Kulloo Phokoo.	Mahomed Sha, Zemindar, residing at Moorshedabad.		
2.	Phoolpoor.	Ramnat Putwarce, of Mouza Phoolpoor.	Maun Sing and Ram Sing.	Ramnar, farmer, residing at Nat-tore.	Four coss from Lal Gunge.	South-west from Lal Gunge, a Nul-kah between this and the first Chokee, fordable during the year.

FORM No. 9.

Declaration to be subscribed by a Hindoo Prosecutor, exempted from taking an Oath.

I solemnly declare, in the presence of God, that I will state, according to the truth, all the circumstances within my knowledge, regarding the case of

I will not conceal what is true, nor depose to any thing false: if I declare any thing not warranted by the truth, I shall be deserving of punishment from Ishwur.

Declaration to be signed by a Mahomedan Prosecutor, exempted from taking an oath.

I solemnly declare, in the presence of Almighty God, that I will state, according to the truth, all the circumstances within my knowledge, regarding the case of

I will not conceal what is true, nor depose to any thing false: if I declare any thing not warranted by the truth I shall be deserving of punishment from God.

(After the Prosecutor has stated the Charge, he is to subscribe the following Declaration.)

I swear, in the presence of Almighty God, that I have truly and correctly stated all the circumstances within my knowledge, in regard to the case of

No. 10.

Form of Search Warrant.

Whereas there is strong cause to suspect that plundered or stolen goods or effects are within the dwelling-house or premises of [name and cast of suspected person] inhabitant of ; you are hereby authorized and required, with necessary and proper assistance, to enter into the said dwelling-house or premises of the said , and if any goods or effects shall be found therein, which there may appear cause to suspect to have been plundered or stolen, you are required to bring the property so found, and also the person of the said , to the thannah of

FORM No. 11.

Subpoena to Prosecutors and Witnesses.

To
inhabitant of
Whereas your attendance is required to state what you know in the case of ; you are hereby required to appear at the thannah of , on [day of week] the [date] at the hour of ; herein fail not , dated the [day of month and year current in the jurisdiction.]

FORM No. 12.

Recognizance to be taken from a Prosecutor.

Whereas I , inhabitant of , have complained against , inhabitant of , charging him with : I hereby engage to appear before the magistrate of the zillah [or city] of , on or before the , to prosecute the said complaint; in default whereof I further bind myself to pay such fine to Government as the magistrate may judge proper to impose upon me, as well as any expense that may be incurred in consequence of my non-attendance, for compelling my appearance: in this I will not fail: date [according to the current era.]

FORM No. 13.

Recognizance to be taken from a Witness.

Whereas I _____, inhabitant of _____, have been named as a witness in the case of _____ : I hereby engage to appear before the magistrate of the zillah [or city] of _____, on or before the _____, for the purpose of giving evidence; in default whereof I hereby further bind myself to pay such fine to Government as the magistrate may judge proper to impose upon me, as well as any expense that may be incurred in consequence of my non-attendance, for compelling my appearance : in this I will not fail dated [according to the current era.]

FORM No. 14.

Certificate of Despatch.

Name of the Prosecutor and Witness.	Case.	Date of Despatch from the Thannah.	Name of the Thannah.
Ramdial, Witness.	Methoo, charged with the murder of Ram Sin Chelan No.	5th April.	Sumbul.

No. 15.

Form of Summons.

To _____, inhabitant of _____,
Whereas your attendance is necessary to answer to a charge of _____,
you are hereby required to appear, in person or by vakeel, before the magistrate of
the zillah [or city] of _____, [or at the thannah of _____],
on or before the _____ day of _____ : herein fail not
dated the _____ day of _____

No. 16.

Form of Summons requiring Bail.

To _____, inhabitant of _____,
Whereas your attendance is necessary to answer to a charge of _____,
you are hereby required to appear, in person or by vakeel, before the magistrate of
the zillah [or city] of _____, [or at the thannah of _____],
on or before the _____; you are further required to furnish a surety
[or sureties] in the sum of rupees _____, for your attendance, in person or by
vakeel, during the trial of the case before the magistrate.

No. 17.

Form of Warrant.

To _____
[name and designation of person deputed to serve the warrant.]
Whereas _____, inhabitant of _____, stands charged with
the crime of _____ : you are hereby directed to apprehend the said
_____, and to produce him before me : in this fail not.

N. B.—The warrant shall be addressed to the jummadar, or other police-officer,
by whom it is to be executed; and shall, in all practicable cases, bear the seal of
the thannah, and invariably the signature of the officer issuing the process.

FORM No. 18.

Bail Bond.

Whereas _____, inhabitant of _____, stands charged with _____, and is required to appear before the magistrate of the zillah [or city] of _____, on or before the _____, to answer to such charge: I hereby bind myself to produce the said _____ before the said magistrate, on the date aforesaid; and to be answerable for his appearance, until a final order be passed by the magistrate upon the said charge; in default whereof I further bind myself to forfeit to Government the Sum of Rupees _____: in this I will not fail: dated this _____ day of _____

FORM No. 19.

Recognizance for keeping the Peace.

Whereas _____, inhabitant of _____, stands charged with _____ and has been called upon to give security to keep the peace whilst such charge is under investigation: I hereby declare myself surety for the said _____, that he shall not commit any act that can occasion a breach of the peace whilst the said charge is under examination; in default whereof I further hereby bind myself to forfeit to Government the Sum of Rupees _____; dated this _____ day of _____

FORM No. 20.

Distrain.

Process to be delivered to a muzkooree peon, deputed to aid a distrainer.

Whereas [name of the distrainer or of his local agent,] has made oath before me that he has been opposed, or that he fears he may be opposed in effecting the distraint of certain property belonging to _____; which he considers it necessary to attach for the recovery of an arrear of land-rent, amounting to rupees _____, due from [name of the defaulter or of his security,] the bearer of this process [name of the muzkooree peon,] has been deputed from this thannah to aid the distress of the property of the said [name of the defaulter or security,] and it is hereby notified to the said [name of the defaulter or security,] that if he disputes the justness of the arrear demanded, it behoves him to apply forthwith under the provisions of Sections XV and XVI, of Regulation V, 1812, to the judge or collector of the zillah, or to the cauzee, or moonsiff of the pergunnah; but that in the mean time he is required either to liquidate the amount claimed, or to allow his property to be peaceably distrained, under penalty of disobedience to this requisition of suffering such punishment as the magistrate may, under the Regulations, judge proper to inflict.

FORM No. 21.

Notice.

All Europeans, not being in the service of His Majesty or of the Honorable Company, are hereby enjoined, on the requisition of the darogah of police, within the limits of whose jurisdiction they may be residing, to report themselves in writing to the magistrate of the district, on a separate paper, drawn out after the form subjoined.

[To be signed by the magistrate.]

Statement of Europeans residing within the jurisdiction of the Thannah of

Name.	Place of residence.	Native country.	Employment.	Year of arrival in India.	Authority for residing in India, and Date.	Authority for residing in this District, and Date.	Remarks.

General Abstract of the Contents of Regulation XX, 1817.

Section II. Specification of provisions of former regulations rescinded.

Clause First. Provisions of regulations rescinded.

Second. Ditto ditto.

Section III. Appointment and removal of police-officers.

Clause First. Appointment and removal of police-officers, in whom vested.

Second. Cutwals and darogahs not to nominate subordinate police-officers, except when specially directed.

Third. Sunnud to be furnished by magistrates to police-officers on their appointment.

Section IV. Relative rank and general functions of officers on the thannah establishments.

Clause First. General duties of darogahs, and their control over the subordinate thannah-officers.

Second. Rank and special duties of the mohurir.

Third. Rank and special duties of the jemmadar.

Fourth. Police-officers generally to obey the orders of the superintendents of police, and joint and assistant magistrates.

Section V. Rules regarding the use of a seal of office at each thannah, and the badges, arms, and accoutrements of the police-burkundauzes.

Clause First. Cutwals and police-darogahs to use a seal of office, its description.

Second. Burkundauzes to wear a certain badge; its description; their arms and uniform.

Section VI. Powers and duties of police-officers employed at out-posts.

Clause First. Police-officers stationed at out-posts, how to be guided.

Second. Officers so stationed to perform their prescribed duties under the control of the darogahs.

Third. They may apprehend certain description of criminals without a warrant from magistrate or darogahs.

Fourth. Persons so apprehended to be forwarded immediately to the thannah, with a report on the case.

Section VII. Rules regarding the application of police-officers for leave of absence, and the deputation of burkundauzes to the sudder-station.

Clause First. Appointment and salary of persons officiating for police-officers, how to be regulated.

Second. Burkundauzes dispatched to magistrate's court shall be provided with a certificate. Appendix No. 1.

Third. Which is to be presented to the nazir, who shall report any delay.

Fourth. Burkundauzes how to proceed on leaving the sudder-station.

Section VIII. Records to be kept and preserved at the thannah.

Clause First. Police-darogahs and mohurirs carefully to preserve and to promulgate all regulations of Government sent to the thannahs.

Second. Rules for the care, preservation and inspection of the thannah-books and registers.

Third. Darogahs to be furnished with blank books of diaries.

Fourth. In these every occurrence to be entered.

Fifth. What circumstances to be entered when prisoners are apprehended.

Sixth. The purport of every petition, &c. to be entered. Penalty for darogahs wilful omission or misrepresentation of any official act

Seventh. Entries how to be attested.

Eighth. Rules for furnishing new diary-books when required.

Ninth. A book to be kept, containing copies of reports, returns, &c.

Tenth. Ditto of purwannahs and orders.

Eleventh. Ditto of chelauns.

Twelfth. Ditto of register of heinous offences.

Thirteenth. Ditto of lists of stolen property.

Fourteenth. Ditto of proclaimed offenders.

Fifteenth. Ditto of list of villages comprised within the thannah jurisdiction.

Section IX. Rules regarding returns, reports and statements, to be sent to the magistrates or to the superintendents of police.

Clause First. What abstracts and other documents shall in future be transmitted to the magistrate.

Second. A list of the thannah-officers entitled to pay, to be sent monthly to the magistrate. Rules for their payment.

Third. Rules to be observed in preparing abstract monthly statements of heinous crimes.

Fourth. Wilful murder to be particularly distinguished. Rules for the classification of homicide not wilful.

Fifth. Malicious wounding, or injuring simply, how to be classed.

Sixth. Affrays, attended with wounding or killing, or violent breach of public peace, how to be classed; drunken broils and assaults not to be included under that head.

Seventh. All cases of entering or breaking into, at any time or by any means, houses, boats, &c. with intent to rob, how to be classed.

Eighth. Receiving of stolen property, ditto.

Ninth. Arson, (accidental fires not to be included,) ditto.

Tenth. Suicide how to be entered.

Eleventh. All heinous offences to be reported, though the offenders be not discovered; unsuccessful attempts to commit offences, how to be distinguished.

Twelfth. Form No. 4, to be periodically transmitted to the superintendents of police.

Thirteenth. Rules for writing and dating of all reports; examinations, to be transmitted to the magistrates.

Fourteenth. Rules to be observed in transmitting papers to the foudarry court.

Fifteenth. Limited time for the execution of orders and processes, to be specified by the magistrate.

Sixteenth. Returns to orders, how to be written and registered.

Seventeenth. In the event of delay in making such returns, the cause to be reported at the expiration of the specified time.

Eighteenth. Reports to be accurate and concise.

Section X. Rules regarding dawks, and for expediting the transmission of official papers to and from the thannahs.

Clause First. Importance of securing the speedy transmission of information.

Second. Superintendence of despatches by dawk, in whom vested.

Third. All Government dawk-officers throughout the provinces to convey orders and reports free of expense.

Fourth. Establishment of subordinate dawk-stations, peons and pykes, to be appointed by zemindars for this duty, where there is no regular dawk. General duties of darogahs on this point.

Fifth. Penalty in case of landholders, &c. neglecting the above rules.

Sixth. Rule to prevent delay in the transmission of papers by such dawks.

Seventh. Further rules for the transmission of thannah-reports.

Eighth. Darogahs to transmit by dawk or otherwise, reports and papers intrusted to them by the native commissioners.

Section XI. Prohibiting various irregular practices on the part of the police-officers.

Clause First. Police-officers shall not trade.

Second. Darogahs shall not employ police-officers on their own private affairs.

Third. Penalties in case of a police-officer receiving or demanding money from any of the parties in a criminal process.

Fourth.

Fourth. Darogah to prohibit the permanent employment at his thannah of the agent of any landholder or farmer.

Fifth. Without special authority no darogah shall employ a vakeel at the magistrate's court on official business.

Sixth. Except in cases of emergency, no extra mohurirs shall be employed at thannahs without the sanction of the magistrate.

Seventh. No professional spy to be employed by darogahs without express sanction of magistrates, but individuals to be encouraged to give information, with a view to the apprehension of notorious offenders.

Section XII. Charges not cognizable by police-officers.

Clause First. What crimes the darogahs are prohibited from taking cognizance of.

Second. Persons bringing forward complaints of the above description to be referred to the magistrate.

Third. Police-officers prohibited from admitting compromises, from interfering in any matter not authorized by the regulations, and from inflicting punishment and exacting money.

Section XIII. General duties of police officers on receiving charges or information of heinous offences.

Clause First. Upon receiving information on oath, or on a hulfnama, of a crime cognizable by him, the darogah shall inquire into the circumstances, and examine, publicly or privately, witnesses to the fact.

Second. Evidence not to be detailed, but the substance only to be transmitted to the magistrate.

Third. Sketch of the spot to be transmitted under certain circumstances, and date of occurrence to be accurately noted.

Fourth. Darogahs shall not swear witnesses, except in cases sanctioned by regulation.

Fifth. Darogahs to endeavour to despatch all evidence, and to secure the attendance of witnesses in due time, so as to prevent delay in the inquiry.

Sixth. When the offenders are unknown, the witnesses to the inquiry shall not be bound over to attend without special orders from the magistrate.

Seventh. Names and persons of known but absconding offenders shall be accurately described.

Eighth. Separate reports to be made, when a person shall in the course of inquiry appear to have been guilty of more than one offence, or when zemindars shall have been negligent in reporting.

Ninth. If any person, sent to the magistrate's court, shall be known to have been formerly apprehended, the date of the former case shall also be reported.

Tenth. Rules when darogahs shall have occasion to leave their thannahs. Reports to be dated in the current era of the district.

Section XIV. Rules for holding inquests on occasions of murder, homicides, wounding, and unnatural deaths.

Clause First. Landholders and others held responsible for the early communication of unnatural or suspicious deaths. Penalties for neglect.

Second. On receiving information of such cases the darogah shall immediately proceed in person, or dispatch an officer to the spot.

Third. Connexions or neighbours to be questioned in the first instance.

Fourth. Individuals severely wounded to be required to describe the circumstance on oath.

Fifth. Rules for inspecting the body of the deceased, or of the wounded person.

Sixth. Rules for the description of the place where the body was found.

Seventh. If the deceased be a stranger, to ascertain where he was last seen.

Eighth. If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased; when the unknown offender is supposed to have been wounded, to examine the neighbouring village surgeons.

Ninth. The sooruthal to be attested by the darogah or police-officer, and by a sufficient number of people who may have been present.

Tenth. In cases of murder, the instruments or weapons to be procured if possible.

Eleventh. Assistance to be procured for wounded persons, who are not to be removed so long as risk attends their removal.

Twelfth. Rules for the disposal of the body in cases of murder or unnatural death.

Section XV.—Inquiries to be made by the police-officers in cases of gang-robbery, burglaries, and other heinous offences.

Clause First. In cases of robbery by open violence, and certain other heinous offences, the darogah will proceed to the spot, or dispatch an officer.

Second. Detail of the inquiries to be pursued in such cases.

Third. Such inquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

Fourth. Caution against information being withheld in the first instance.

Fifth. Instances of burglary and theft, or attempts, shall be reported.

Sixth. Accuracy to be observed in the date of the offence, and description of the circumstances.

Seventh. Information to be required from the zemindars and others.

Section XVI.—Search for plundered or stolen property.

Clause First. Search for stolen property how to be conducted.

Second. Without a written declaration officers shall not search the interior of any building, except by special order of the magistrate.

Third. Execution of search-warrants to be reported.

Fourth. Representations regarding stolen property to be sent to the magistrate for his orders.

Fifth. Particulars relating to the search ; what persons to be present.

Sixth. Surreptitious introduction of articles into the house, to be carefully guarded against.

Seventh. Rules to be observed in searching zenanas.

Eighth. The person in whose house property alleged to be stolen is found, being unable to give a good account of the same, shall be forwarded to the magistrate.

Ninth. Rule for the disposal of unclaimed suspicious property.

Tenth. All particulars regarding property so found shall be carefully transmitted to the magistrate.

Eleventh. Rule for transmission of valuable articles of small bulk.

Twelfth. Unclaimed or suspected property only shall be removed ; not to be restored without magistrate's order.

Thirteenth. In heinous cases a list of property plundered to be affixed in a conspicuous place, and due notice given.

Fourteenth. Inquiries to be made from the persons in whose possession the property may be found.

Fifteenth. Person finding suspicious property in his own house or premises, how to proceed.

Sixteenth. Unclaimed property to belong to Government. Rules for its transmission.

Seventeenth. Ten per cent. of the value of stolen property to be granted to the recovering officers.

Section XVII.—Duties of police-officers with regard to coiners and utterers of base coin.

Darogahs shall search houses of persons accused upon credible evidence of coining, &c. and transmit to magistrate coins, implements and accounts, together with the offenders.

Section XVIII.—Duties of police-officers in the prevention or suppression of affrays and riots.

Clause First. Officers of police to be present at fairs, festivals, &c.

Second. On notice being given of an intended affray, officers shall require zemindars to disperse the people, on pain of confiscation of the matters in dispute.

Third. They shall endeavour to induce them to disperse, or to submit their dispute to arbitration ; they shall proclaim aloud the consequences of a breach of the peace, and take certain measures to mark the guilty.

Fourth.

Fourth. Darogahs shall not depute burkundauzes to defend the property of either party.

Fifth. Disputed land, or crops, shall be described, and boundaries sketched.

Section XIX.—Duties of police-officers in receiving confessions, and in the treatment of prisoners generally.

Clause First. Examinations of prisoners to be taken without oath in the presence of three or more credible witnesses. Rules in cases of voluntary confession.

Second. Compulsion, or holding out hopes or fears to induce confession, strictly prohibited; penalty on conviction,

Third. Special reason must be stated, if the confession be received at night, or in any other place than the police-thannah.

Fourth. Darogah may hold private verbal examinations.

Fifth. Prisoners confessing to be kept separate.

Sixth. Witnesses to be carefully bound over.

Seventh. Thannah prisoners how to be confined.

Eighth. Prisoners of atrocious character may, in the night time only, be placed in stocks.

Ninth. They may also be forwarded in light hand-cuffs.

Tenth. A strict account shall be taken of unnecessary severity.

Eleventh. Rate of travelling for prisoners.

Twelfth. Head men and others shall provide for the custody of prisoners passing through their estates or villages.

Thirteenth. What diet-money to be allowed to prisoners unable to support themselves during the journey.

Fourteenth. Rules for their being delivered over to the proper officers at the sudder-station.

Fifteenth. Prisoners sent from one station to another shall be transmitted from thannah to thannah by police-burkundauzes.

Sixteenth. No prisoner shall be detained at the thannah-cutcherry more than forty-eight hours.

Seventeenth. Persons apprehended, whether bailed or not, shall be reported, and shall not be discharged, except on bail, or by special order.

Section XX. Rules relating to notorious offenders and to vagrants; their apprehension and discharge.

Clause First. Darogahs in every district to forward to magistrate all notorious characters.

Second. Credible information being given of such characters, darogahs are to make private inquiries; if they see fit they shall apprehend the person, and, as he accounts for himself, shall discharge or transmit him to magistrate.

Third. But shall not in the foregoing case make the inquiries provided for in next clause.

Fourth. Police-officer, when directed to make a local inquiry, shall take the evidence of certain persons as to the suspected person's mode of life.

Fifth. This report, if favourable, shall be transmitted to magistrate, if not, witnesses shall be immediately bound over to appear.

Sixth. Persons of bad and suspicious character, discharged from confinement, are to be released in presence of the head men of their village, who shall be liable to a penalty in the event of their not giving certain enjoined information.

Seventh. Penalty specified.

Eighth. Darogahs shall apprehend all vagrants.

Ninth. On receiving information of their resort, care to be used in their apprehension and examination.

Tenth. When names are not known, darogah may apprehend without a specific warrant; when large bodies of vagrants are assembled he shall apply for assistance to certain authorities.

Eleventh. In what cases the darogah empowered to admit such persons to bail, and to wait the magistrate's orders.

Twelfth. Darogahs enjoined to be careful in the execution of this duty.

Section XXI. Village watchmen.

Clause First. Darogahs shall keep a complete list of village watchmen, zemindars, or other authorized persons, to nominate a successor on the occurrence of a vacancy.

Second. Village watchmen subject to police-darogahs.

Third. Rule for the delivery of reports of watchmen residing at a certain distance from the thannahs.

Fourth. Occurrences reported by the village watch to be entered in thannah-diaries.

Fifth. Proclaimed offenders, and those taken in the commission of public offences, shall be sent to the thannah by the village watchmen, who shall give the earliest intelligence of the residence of offenders and commission of crimes.

Sixth. Rule for receiving the reports of village watchmen.

Seventh. Supervision to be exercised by the darogah; penalty upon proof of negligence or abuse.

Eighth. Watchmen not to be employed on darogah's private concerns.

Ninth. In places where regular police establishments may be stationed, duties of watching by whom to be performed.

Tenth. The village watchmen to resist robbers to the utmost of their power, and to require zemindars and head men to lend their assistance in the pursuit and apprehension of criminals; penalty for their refusal.

Section XXII. Concurrent jurisdiction of police-darogahs.

Clause First. Darogahs to transmit intelligence of heinous crimes (if the perpetrators be not apprehended) to neighbouring thannahs.

Second. And may pursue into other thannahs or zillahs:

Third. Under what circumstances a concurrent jurisdiction to be exercised.

Fourth. Rule in the case of a darogah's apprehending offenders in the jurisdiction of another magistrate.

Fifth. Ditto with regard to invalid thannahs.

Section XXIII. Prosecutors and witnesses.

Clause First. Subpoenas, how and by whom to be served.

Second. Rules for the execution and delivery of recognizances of witnesses and prosecutors.

Third. Darogah shall, in certain cases, require bail from prosecutors for their appearance before the magistrate.

Fourth. Witnesses shall be subjected to no restraint, nor required to give security; penalty for refusing to execute recognizance.

Section XXIV. Summons.

Clause First. On complaints supported by oath or solemn declaration, summonses shall be issued by police-officer, and served by a single burkundauze, and not by the party complaining.

Second. When bail is not required, acknowledgment of receipt of process sufficient.

Third. Forms of bail for trivial or more important offences; bail shall not be excessive.

Fourth. What warrant shall be issued in cases of persons neglecting summons.

Fifth. In case of absence or absconding of the offender, darogah shall require from the head person of his village an engagement that he will deliver him up on his return, or give information of his re-appearance.

Sixth. Penalty for failure in this engagement.

Section XXV. Arrest of persons, and bail.

Clause First. In charges of a serious nature, made on oath or solemn declaration, and under certain circumstances, a warrant to be issued.

Second. Warrant, by whom to be served, and how to be executed.

Third. Darogah to require assistance of landholders and others, when necessary.

Fourth. Offenders taken in the act to be apprehended without a written warrant.

Fifth. Dwelling-houses not to be forcibly entered, except in cases of necessity.

Sixth.

Sixth. Zenanas shall not be entered except upon credible information that offenders are there concealed, and the women to be previously allowed to withdraw.

Seventh. Abuse of power subject to exemplary punishment.

Eighth. In what cases bail shall not be accepted.

Ninth. Form of bail.

Tenth. Persons wounding or slaying in self-defence not to be proceeded against, except under special orders of magistrate.

Eleventh. In cases of manifest necessity security for peaceable conduct shall be required, in addition to bail. Form of recognizance to keep the peace.

Section XXVI. Resistance or evasion of criminal process.

Clause First. Persons resisting process shall be apprehended and sent to magistrate; in extreme cases neighbouring thannah-officers shall be required to assist.

Second. Provisions of former regulations modified by the following rules.

Third. Property in other zillahs of landholders resisting process shall be liable to confiscation, under confirmation of Nizamut Adawlut and Government.

Fourth. Property in land, in other zillahs, of persons absconding, shall be liable to be attached, with a view to cause their appearance.

Fifth. Discretion vested in magistrate to award a certain fine.

Sixth. Moveable property of persons not being proprietors of land evading or resisting process, liable to immediate attachment in case of suspicion of removal.

Seventh. But till the magistrate's orders be known darogah shall only prevent removal.

Eighth. Rule of proceeding in making the attachment.

Ninth. Property shall be carefully preserved, and a strict account rendered when the offender shall be entitled to receive it back.

Tenth. In event of non-appearance or continued evasion, property to be sold for payment of fine or benefit of Government.

Eleventh. Rule for proclaiming magistrate's order for appearance.

Twelfth. On non-appearance, darogah shall report the due promulgation, with witnesses.

Thirteenth. Darogahs shall assist zemindars required by magistrate to produce offenders; they shall also receive charge of them.

Fourteenth. Darogahs wounding or killing proclaimed offenders who may resist to be held guiltless.

Fifteenth. Rewards shall be payable by the magistrate of the zillah or city in which offenders may be apprehended.

Section XXVII. Distrain for arrears of land-rent.

Clause First. Provisions of former regulations modified.

Second. Darogahs shall issue a written process upon occasion of resistance made or apprehended to an authorized distrainer.

Third. Deputed peon shall attend to the proceedings of the distrainer.

Fourth. Resistance being offered to the peon, darogah, or mohurir, or jemadar, shall proceed to his assistance.—These officers only shall search dwelling-houses for distrained property.

Fifth. Burkundauzes shall assist in distrain under orders of darogah, mohurir or jemadar only.

Sixth. Landholders, indigo planters, and others, shall not use stocks or other instruments of restraint.

Seventh. Allowance and mode of payment of peons employed in distrain not in the service of Government.

Section XXVIII. Abkaree.

Clause. First. Darogahs shall assist on the oath of an authorized revenue-officer in distrain for arrears of abkaree revenue.

Second. Further rule for the assistance of revenue-officers.

Third. In such cases zenanas of respectable persons shall not be entered.

Fourth. Rules to be observed by venders of spirituous liquors.

Fifth. Darogahs shall report infractions of these rules.

Section XXIX. Execution of criminal process in the commercial, salt and opium departments, and duties of darogahs relating to those departments.

Clause First. Security for the appearance of persons employed under commercial residents accused of bailable offences, how to be given.

Second. In such cases the accused shall not be forced to appear till after the manufacturing season.

Third. Rule for serving summonses on witnesses employed in the Company's aurrangs, and form of their recognizance.

Fourth. Warrants for offences not bailable shall be served upon persons so employed as upon others. The darogah giving notice to the resident or agent.

Fifth. Darogahs shall assist in the seizure of illicit salt.

Sixth. Shall give notice of all illicit importation, adulteration, or manufacture of salt.

Seventh. They shall not seize, in the first instance, of their own authority.

Eighth. Penalty for the unwarranted seizure of salt by darogahs.

Ninth. Darogahs enjoined to suppress the illicit cultivation of poppy.

Tenth. Shall report cases of the cultivation of the poppy, and

Eleventh. Take security for the offender's appearance before revenue-officers.

Twelfth. Penalty for omitting to send information.

Section XXX. Miscellaneous rules regarding forts, armed men, military stores, dress of sepoy or lascars, and badges. Public roads and insane persons.

Clause First. Darogahs shall report all circumstances that may involve danger to the public peace.

Second. They shall apprehend all unauthorized persons dressed in the uniform of Company's sepoy.

Third. What persons may wear the Company's uniform when not employed on public duty.

Fourth. Persons not in the service of a civil or military officer shall be apprehended when wearing a badge or chuprass.

Fifth. Darogahs shall report encroachments on the public roads.

Sixth. Persons dangerously insane shall be sent to the sudder-station, unless the friends of the party enter into engagements to prevent their doing mischief.

Section XXXI. Judges of circuit and Europeans.

Clause First. Respect to be shown to judges of circuit in their progress.

Second. Darogah shall report the arrival and proposed residence of any European not in his Majesty's or the Company's service.

Third. Form of statement to be presented by darogahs to European residents at the close of each English year.

Fourth. These statements to be forwarded to magistrates.

Section XXXII. Despatches of treasure.

Clause First. Darogahs to afford assistance and security to despatches of Government treasure.

Second. And, as far as possible, of bankers and merchants also.

Section XXXIII. Rules relating generally to landholders, managers of estates, &c.

Clause First. Darogahs to make known to landholders their duties in giving information of crimes, apprehending offenders, and preventing affrays.

Second. With this view, magistrates shall be careful to furnish darogahs with extracts or copies of certain regulations.

Third. Zemindars intrusted with the charge of the police to be furnished with copies of and to obey this Regulation.

Section XXXIV. Police of cities.

Cotwals and police-officers in cities and towns to be guided by this Regulation as far as applicable to them.

A. D. 1817. REGULATION XXI.

A REGULATION for modifying and explaining certain parts of Regulation IV, 1815.—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Kautic 1224 Bengal era; the 3d Kautic 1225 Fussily; the 14th Kautic 1225 Willaity; the 3d Kautic 1874 Sumbut; and the 16th Zulhej 1232 Higeree.

WHEREAS it is provided in Regulation, IV, 1815, that sundry articles, if imported in the manner specified in the second Clause of that Regulation, shall be exempt from duty: and whereas it has been considered expedient, with a view to the further encouragement of British Commerce, that a like exemption should be extended to sundry other articles: and whereas it has been further deemed advisable to modify and explain some of the provisions at present in force for the collection of Government Customs, the following rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

II. The exemption from duty contained in Section III, Regulation IV, 1815, is hereby extended to the articles hereinafter specified, and generally to all articles coming under the description of wrought or unwrought metals, being the produce or manufacture of the United Kingdom of Great Britain and Ireland; that is to say:—

Specification of articles to which the exemption from duty contained in Section III, Regulation IV, 1815, is declared to extend.

Cutlery,
Table and kitchen utensils,
Trinkets, composed wholly or chiefly of metals,
Locks, bolts, and hinges,
Scales and weights,
Clocks, watches, and time-keepers,
Nails of iron and copper,
Hatchets, hammers, saws, and ironmongery of all sorts,

Sheet copper and sheet iron,
Wire of iron, brass, steel, silver and gold,
Lead, in sheets, cast or rolled,
Copper pumps,
Mathematical instruments,
Fire-engines,
Tin-ware,
Shot for fowling,
Bellows,
Braziers.

III. The following articles are hereby declared to be marine stores within the meaning of Section IV, Regulation IV, 1815, and to be exempt from duty if imported in the manner therein specified:

Enumeration of articles to be considered as marine stores, and as such to be exempt from duty if imported in the manner specified in Section IV, Regulation IV, 1815.

• Anchors,
• Blocks of sorts,
• Boxes, pump,
• Buntin, of sorts,
• Masts and spars of all sorts,
• Bells for ships,
• Canvas of all sorts,
• Copper rings,
• Mooring-chains,
• Channel-work for ships,
• Azimuth, hanging, and steering compasses,
• Cordage of all descriptions,
• Deals of sorts,
• Capstan furniture,
• Time and binnacle-glasses,
• Grapnels,

Figure-heads,
Pump-handle,
Kentledge,
Lanterns,
Lines and twine,
Scupper-leather,
Sail needles of sorts,
Spars of sorts,
Tar and pitch,
Palm-irons,
Hawse-rollers,
Rosin,
Sheaves and pins of sorts,
Speaking trumpets of sorts,
Vitry,
Varnish,

IV. Section LVII, Regulation IX, 1810, is hereby rescinded.

Section LVII, Regulation IX, 1810, rescinded.

V. *First*.—All goods which may be originally imported by sea on a British bottom, at any port in the territories subject to the British Government in India, and shall afterwards be re-exported to Calcutta, or any port immediately dependent on this Presidency, shall, in cases in which the duty established by the Regulations

Goods originally imported on British bottoms at ports subject to the British Government in India

to be exempted from further duties on their re-exportation to Calcutta or other subordinate port.

Provided the duty established by the Regulations does not exceed the duty retained at the port where the goods were imported, the difference only to be demanded at Calcutta.

of this Government, does not exceed the amount of the duty retained at the port into which the said goods were first imported, be exempt from all further duty on their importation into Bengal, on the production of a regular certificate from the proper officer of the amount so paid and retained at the port of original importation.

In cases in which the established duty may exceed the amount levied at the port where the goods were imported, the difference only to be demanded at Calcutta.

Second.—In like manner, in cases in which the duty established at this Presidency may exceed the amount retained at the port of original importation, the difference only will be levied on the importation of the goods into Bengal.

Explanation of the rule contained in Section VIII, Regulation IV, 1815.

VI. The rule contained in Section VIII, Regulation IV, 1815, is hereby declared applicable to indigo, the produce of any part of the British territories in India.

The provisions contained in Section XII, Regulation IX, 1810, modified.

VII. *First.*—The Rules contained in Section XII, Regulation IX, 1810, which provide that an additional duty of 2½ per cent. shall be levied on certain articles, the produce of the vizier's and the Nepal territories, on exportation by sea; and the provisions regarding drawback, contained in Clause II, Section VIII, and Section X, Regulation IV, 1815, are hereby declared subject to the following modifications.

Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom.

Second.—In all cases in which an export duty is payable under the existing Regulations on goods which shall have previously paid an inland or transit duty, such export duty shall be altogether remitted on the exportation of such goods to the United Kingdom:—Provided, however, that in such cases such a drawback only shall be allowed as shall reduce the amount of duty retained to 2½ per cent. and where the inland duty shall not exceed that rate, no drawback shall be allowed.

Provided such a drawback only be allowed as will reduce the duty retained to 2½ per cent. In cases where the inland duty shall not exceed that rate, no drawback to be allowed.

On goods not subject to a transit duty the export duty to be reduced to 2½ per cent.

Third.—In like manner, in regard to goods not subject to any transit duty, the prescribed export duty shall, on their exportation to the said United Kingdom, be reduced to 2½ per cent.

Schedules exhibiting duties and drawbacks, published for general information.

VIII. The schedules annexed to this Regulation, exhibiting the duties payable, and the drawbacks allowed, on the several articles of commerce therein specified, are published for general information.

TABLE No. I.

TABLE of the Duties levied on Articles, the produce or manufacture of the United Kingdom, or of Foreign Europe, imported on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of foreign Europe.	Enumeration of Goods.	The produce or manufacture of foreign Europe.
Anchors and Grapnels -	No duty	5 per cent.	Broad Cloth -	per cent.
Articles for Wearing Apparel, not of Woollen Manufacture -	2½ per cent.	ditto	Brazery -	ditto
Beads -	ditto	ditto	Bunting -	ditto
Beer -	ditto	ditto	Camblets -	ditto
Bellows -	No duty	ditto	Canes and Rattans -	2½ per cent.
Bird Shot -	ditto	ditto	Canvas -	No duty
Blacking and Brushes -	2½ per cent.	ditto	Capstan Furniture -	ditto
Blankets -	No duty	ditto	Carriages and Conveyance -	2½ per cent.
Blocks, of sorts -	ditto	ditto	Carpets, of Woollen Manufacture -	No duty
Bottles, empty -	2½ per cent.	ditto	Chalk -	2½ per cent.
Boxes, Pump -	No duty	ditto	Channel Work for Ships -	No duty
Brass-work and Ware -	ditto	ditto	Clocks -	ditto
			Coals -	2½ per cent.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of foreign Europe.	Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of foreign Europe.
Coffin Furniture - - -	No duty	5 per cent.	Medicines - - -	2½ per cent.	5 per cent.
Compasses—azimuth, hanging, and steering - - -	ditto	ditto	Metals, wrought or unwrought - - -	No duty	ditto
Confectionary and Sweetmeats - - -	2½ per cent.	ditto	Mooring Chains - - -	ditto	ditto
Copper, of every description	No duty	ditto	Musical Instruments - - -	2½ per cent.	ditto
Copper Pumps - - -	ditto	ditto	Nails, of Iron or Copper - - -	No duty	ditto
Copper Rings - - -	ditto	ditto	Oils - - -	2½ per cent.	ditto
Coral - - -	2½ per cent.	ditto	Ochre - - -	ditto	ditto
Cordage - - -	No duty	ditto	Opium - - -	- - -	24 rs. per seer
Corks - - -	2½ per cent.	ditto	Paint and Paint Brushes - - -	2½ per cent.	5 per cent.
Cotton Screws—Iron - - -	No duty	ditto	Palm Irons - - -	No duty	ditto
Cotton Yarn and Thread - - -	2½ per cent.	ditto	Perfumery - - -	2½ per cent.	ditto
Crystal Ware - - -	ditto	ditto	Piece Goods - - -	ditto	ditto
Cutlery - - -	No duty	ditto	Pictures - - -	ditto	ditto
Cider and Perry - - -	2½ per cent.	ditto	Pitch and Tar - - -	No duty	ditto
Deals, of sorts - - -	No duty	ditto	Plate and Plated Ware - - -	ditto	ditto
Earthenware - - -	2½ per cent.	ditto	Printed Cotton and Calicoes - - -	2½ per cent.	ditto
Eatables - - -	ditto	ditto	Pump Hide - - -	No duty	ditto
Engravings - - -	ditto	ditto	Quicksilver - - -	- - -	ditto
Figure Heads - - -	No duty	ditto	Red and White Lead - - -	2½ per cent.	ditto
Filtering Stones - - -	2½ per cent.	ditto	Rosin - - -	No duty	ditto
Flint Stones - - -	ditto	ditto	Saddlery - - -	2½ per cent.	ditto
Fire and Garden Engines - - -	No duty	ditto	Sail Needles - - -	No duty	ditto
Furniture, Household - - -	2½ per cent.	ditto	Scupper Leather - - -	ditto	ditto
Glass and Glass Ware, of every description - - -	ditto	ditto	Seeds, of sorts - - -	2½ per cent.	ditto
Gold and Silver Lace - - -	ditto	ditto	Shawls, Woollen Manufacture - - -	No duty	ditto
Gold Leaf - - -	No duty	ditto	Sheaves and Pins - - -	ditto	ditto
Grapnels - - -	ditto	ditto	Shot - - -	ditto	ditto
Guernsey Shirts - - -	ditto	ditto	Soda Water - - -	2½ per cent.	ditto
Guns and Pistols - - -	ditto	ditto	Spars - - -	No duty	ditto
Gunpowder - - -	2½ per cent.	ditto	Speaking Trumpets - - -	ditto	ditto
Hammers, Hatchets & Saws - - -	No duty	ditto	Spirituous Liquors - - -	10 per cent.	10 per cent.
Hawse Rollers - - -	ditto	ditto	Spirits of Turpentine - - -	2½ per cent.	5 per cent.
Hose, Woollen - - -	ditto	ditto	Stationary and Books - - -	ditto	ditto
Jewellery - - -	ditto	ditto	Steel - - -	No duty	ditto
Iron - - -	ditto	ditto	Table Utensils - - -	ditto	ditto
Iron Butts, Hoops, Rivets, and Sheet - - -	ditto	ditto	Tallow, British - - -	2½ per cent.	ditto
Iron Cables - - -	ditto	ditto	Time and Binnacle-Glasses - - -	No duty	ditto
Iron Chains - - -	ditto	ditto	Tin - - -	ditto	ditto
Iron Chests - - -	ditto	ditto	Tin Plates and Tin Ware of every description - - -	ditto	ditto
Iron Kentledge - - -	ditto	ditto	Tobacco and Snuff - - -	2½ per cent.	ditto
Iron Knees - - -	ditto	ditto	Tobacco Pipes - - -	ditto	ditto
Ironmongery and Iron-work, of every description - - -	ditto	ditto	Toys of Iron or Tin - - -	No duty	ditto
Iron, Plate or Wrought - - -	ditto	ditto	Types - - -	ditto	ditto
Kentledge - - -	ditto	ditto	Trinkets, composed wholly or chiefly of Metal - - -	ditto	ditto
Kitchen Utensils - - -	ditto	ditto	Turpentine - - -	2½ per cent.	ditto
Lace - - -	2½ per cent.	ditto	Varnish - - -	ditto	ditto
Lacquered Ware, not Metal - - -	ditto	ditto	Vegetable Syrup - - -	ditto	ditto
Lanterns - - -	No duty	ditto	Verdigris - - -	ditto	ditto
Lead, in Sheets, Cast or Rolled - - -	ditto	ditto	Vinegar - - -	ditto	ditto
Leather, of sorts - - -	2½ per cent.	ditto	Vitry - - -	No duty	ditto
Lines and Twine - - -	No duty	ditto	Watches and Timekeepers - - -	ditto	ditto
Locks, Bolts and Hinges - - -	ditto	ditto	Weights and Scales - - -	ditto	ditto
Mangles or Hackles of Iron - - -	ditto	ditto	Wire of Iron, Brass, Steel, Silver and Gold - - -	ditto	ditto
Marble Slabs and Tiles - - -	2½ per cent.	ditto	Wines and Spirits - - -	10 per cent.	10 per cent.
Masts, Spars and Oars - - -	No duty	ditto	Woolens - - -	No duty	5 per cent.
Mathematical Instruments - - -	ditto	ditto	All Articles not specified above - - -	2½ per cent.	ditto

TABLE, No. 2.

TABLE of the Rates of Duties levied on the following Goods (not being the produce or manufacture of the United Kingdom, or of Foreign Europe) on their importation into Calcutta by Sea, on British or foreign Bottoms, and the Drawbacks allowed on re-exportation to the United Kingdom, on Vessels trading under the Provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.	Per Cent. on Value.	Proportion of Duty.
Allspice - - - - -	10	$\frac{3}{4}$ ths.	20	$\frac{3}{4}$ ths.
Aloe Wood - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Alum - - - - -	10	$\frac{3}{4}$ ths.	20	$\frac{3}{4}$ ths.
Ambergris - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Anise - - - - -	ditto	ditto	ditto	ditto
Arrack—Batavia - - - - -	{Sa. Rs. 55 per } Leagur. }	- - -	{Sa. Rs. 110 } per Leagur. }	- - -
Ditto from America - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Ditto—from foreign Territories in Asia - - - - -	30	$\frac{1}{2}$ ths.	60	$\frac{1}{2}$ ths.
Arsenick—red, white, or yellow - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Assafoetida - - - - -	ditto	ditto	ditto	ditto
Altah - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Awl-root - - - - -	ditto	ditto	ditto	ditto
Beads, Malas, or Rozaries - - - - -	ditto	ditto	ditto	ditto
Beetlenut - - - - -	ditto	ditto	ditto	ditto
Ditto—Town Duty - - - - -	5	Total	10	Total
Benjamin - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Borax - - - - -	5	$\frac{1}{2}$ ds.	10	$\frac{1}{2}$ ths.
Brandy - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Ditto—from foreign territories in Asia - - - - -	30	$\frac{1}{2}$ ths.	60	$\frac{1}{2}$ ths.
Brass - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Brimstone - - - - -	ditto	ditto	ditto	ditto
Brocades - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Buhera - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Buckum wood - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Bullion and Coin - - - - -	No duty.	No drawback.	No duty.	No drawback.
Callijeerah - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Camphor - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Canvas - - - - -	5	$\frac{1}{2}$ ds.	10	$\frac{1}{2}$ ths.
Cardamums - - - - -	$7\frac{1}{2}$	ditto	15	$\frac{1}{2}$ ths.
Carriages - - - - -	ditto	ditto	ditto	ditto
Cassia - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Chanks - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Cherayta - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
China goods - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Cloves - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Cochineal - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Cocoa-nuts - - - - -	5	$\frac{1}{2}$ ds.	10	$\frac{1}{2}$ ths.
Coffee - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Coir - - - - -	5	ditto	10	$\frac{1}{2}$ ths.
Columbo-root - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Coosum flower - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Copal or Kuhroba - - - - -	10	$\frac{1}{4}$ ths.	20	$\frac{1}{4}$ ths.
Copper - - - - -	ditto	ditto	ditto	ditto
Coral - - - - -	ditto	ditto	ditto	ditto
Cordage - - - - -	5	$\frac{1}{2}$ ds.	10	$\frac{1}{2}$ ths.
Cowries - - - - -	ditto	ditto	ditto	ditto
Crimdana - - - - -	$7\frac{1}{2}$	ditto	15	$\frac{1}{2}$ ths.
Dammer - - - - -	5	ditto	10	$\frac{1}{2}$ ths.
Dhye flower - - - - -	$7\frac{1}{2}$	ditto	15	$\frac{1}{2}$ ths.
Elephants teeth - - - - -	ditto	ditto	ditto	ditto
Embroidered goods - - - - -	ditto	ditto	ditto	ditto
Frankincense - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ds.	15	$\frac{1}{2}$ ths.
Galbanum - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.

Enumeration of Goods.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.	Per Cent. on Value.	Proportion of Duty.
Galingall - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Ghee - - - - -	5	ditto	10	$\frac{1}{3}$ ths.
Ditto, Town Duty - - - - -	10	Total.	20	Total
Gin - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{2}{3}$ ths.
Ditto, from foreign territories in Asia -	30	$\frac{1}{2}$ ths.	60	$\frac{1}{2}$ ths.
Goomootoo, and other articles (Cair excepted) used for the manufacture of cordage - - - - -	No duty.	-	No duty.	-
Goopee Mattee - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Gum Arabic - - - - -	ditto	ditto	ditto	ditto
Gundeberoza - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Horses - - - - -	No duty.	-	No duty.	-
Hurrah - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Hursingah flower - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Hurtaul - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{3}$ ths.
Indigo - - - - -	5	Total	10	Total
Iron, and manufacture of iron - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Jutta munsee - - - - -	10	ditto	ditto	ditto
Ivory - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Kullinjeen - - - - -	ditto	ditto	ditto	ditto
Kutch - - - - -	5	ditto	10	$\frac{1}{3}$ ths.
Lac - - - - -	ditto	ditto	ditto	ditto
Lead, pig, sheet, milled and small shot -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{3}$ ths.
Loadh - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Loban - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Mace - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Madder - - - - -	1 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Mahogany - - - - -	ditto	ditto	ditto	ditto
Marine stores - - - - -	5	ditto	10	$\frac{1}{3}$ ths.
Mastick - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Morinda - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Munjeet - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Musk - - - - -	ditto	ditto	ditto	ditto
Myrobalans - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Myrrh - - - - -	ditto	ditto	ditto	ditto
Nutmegs - - - - -	ditto	ditto	ditto	ditto
Oils, vegetable or animal - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Ditto, Town Duty - - - - -	5	Total.	10	Total
Oil-seed - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Ditto, Town Duty - - - - -	5	Total	10	Total
Oils, perfumed or essential - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Opium - - - - -	24 Rs. per Seer.	No drawback.	48	No drawback.
Orpiment, or yellow arsenic - - - - -	10	$\frac{1}{3}$ ths.	20	$\frac{1}{3}$ ths.
Otter - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Owla - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Pepper, black and white - - - - -	ditto	ditto	ditto	ditto
Piece-goods, cotton - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Ditto silk, or partly cotton and partly silk - - - - -	ditto	ditto	ditto	ditto
Pimento - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Pipe-staves - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Precious stones and pearls - - - - -	No duty.	-	No duty.	-
Prussian blue - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Putchapaut - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Quick-silver - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Ratans - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Raw hides - - - - -	5	ditto	10	$\frac{1}{3}$ ths.
Red sandal wood - - - - -	7 $\frac{1}{2}$	ditto	15	$\frac{1}{3}$ ths.
Resin - - - - -	5	ditto	10	$\frac{1}{3}$ ths.
Rose-water - - - - -	7 $\frac{1}{2}$	ditto	15	$\frac{1}{3}$ ths.
Rum - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Ditto, from foreign territories in Asia -	30	$\frac{1}{2}$ ths.	60	$\frac{1}{2}$ ths.
Saffron - - - - -	10	$\frac{2}{3}$ ths.	20	$\frac{1}{3}$ ths.
Sago - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Salt, (foreign) - - - - -	3 Rs. per Maund.	No drawback.	6 Rs. per Maund	No drawback.
Sandal wood, red - - - - -	7 $\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{3}$ ths.
Ditto, white, or yellow - - - - -	ditto	ditto	ditto	ditto.
Sappan wood - - - - -	ditto	ditto	ditto	ditto.

Enumeration of Goods.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duty.	Per Cent. on Value.	Proportion of Duty.
Senna - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Soonamooky leaf - - - - -	ditto	ditto	ditto	ditto
Spikenard - - - - -	ditto	ditto	ditto	ditto
Steel, and Manufactured steel - - - - -	ditto	ditto	ditto	ditto
Storax - - - - -	ditto	ditto	ditto	ditto
Sugar, wet or dry, including jagreee and molasses - - - - -	5	$\frac{2}{3}$ ds.	10	$\frac{1}{2}$ ths.
Ditto, Town Duty - - - - -	ditto	Total	ditto	Total
Sulphur - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Tape - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$ ths.	15	$\frac{1}{2}$ ths.
Taizpaut - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Teak Timber, used for ship-building - - - - -	No duty.	—	—	—
Thread - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{2}$ ths.
Tin - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Tinical - - - - -	5	$\frac{2}{3}$ ds.	10	$\frac{1}{2}$ ths.
Tobacco, Town Duty only - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Toond flower - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{2}$ ths.
Tugger - - - - -	ditto	ditto	ditto	ditto
Turmeric - - - - -	5	ditto	10	$\frac{1}{2}$ ths.
Ditto, Town Duty - - - - -	5	Total	10	Total
Turpentine - - - - -	5	$\frac{2}{3}$ ds.	10	$\frac{1}{2}$ ths.
Tutenague - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Uggur - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{2}$ ths.
Vermilion - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Verdigris - - - - -	ditto	ditto	ditto	ditto
Wax - - - - -	ditto	ditto	ditto	ditto
Wax candles - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
Wine - - - - -	ditto	ditto	ditto	ditto
Wood of all sorts, used in cabinet-work - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.	15	$\frac{1}{2}$ ths.
Woollens - - - - -	5	ditto	10	$\frac{1}{2}$ ths.
Yellow ochre, or goosce mattee - - - - -	10	$\frac{1}{2}$ ths.	20	$\frac{1}{2}$ ths.
All articles not specified in the above list	5	$\frac{2}{3}$ ds.	10	$\frac{1}{2}$ ths.

TABLE No. III.

TABLE of internal or transit Duties payable on the following Articles, and of the Drawbacks allowed by exportation by Sea to the United Kingdom, on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.	Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
		Per Cent. Value.			Per Cent. on Value.
Ajewain or Jowain - - - - -	-	-	Borax - - - - -	5	$\frac{1}{2}$
Alkali - - - - -	-	-	Ditto, imported from Nepal - - - - -	$2\frac{1}{2}$	No drawback
Aloe Wood - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.	Brass, unwrought - - - - -	10	$\frac{1}{2}$ ths.
Alum - - - - -	10	$\frac{1}{2}$ ths.	Ditto, imported from Nepal - - - - -	$2\frac{1}{2}$	No drawback
Ambergis - - - - -	-	-	Brimstone - - - - -	10	$\frac{1}{2}$ ths.
Anise, or Mourie, or Sonf - - - - -	ditto	ditto	Brocades - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.
Arsenic, white, red or yellow - - - - -	10	$\frac{1}{2}$ ths.	Ditto, from Vizier's or Nepaul Territories - - - - -	$2\frac{1}{2}$	No drawback
Assafatida - - - - -	ditto	ditto	Buhera - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.
Altah - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.	Buckum Wood - - - - -	ditto	ditto.
Awl Root or Morinda - - - - -	ditto	ditto	Calijerah - - - - -	$7\frac{1}{2}$	$\frac{2}{3}$ ds.
Beetlenut - - - - -	ditto	ditto	Camphor - - - - -	ditto	ditto
Ditto, Town Duty - - - - -	-	Total	Cardamums - - - - -	ditto	ditto
Benjamin - - - - -	-	$\frac{2}{3}$ ds.	Carpets - - - - -	ditto	ditto
Blankets - - - - -	$7\frac{1}{2}$	$\frac{1}{2}$	Cassia, imported from Nepal - - - - -	$2\frac{1}{2}$	No drawback
Ditto, imported from Nepal - - - - -	5	No drawback			
Boots, Shoes and Slippers - - - - -	5	$\frac{1}{2}$			

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.	Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
	Per Cent. on Value.	Proportion of Duties.		Per Cent. on Value.	Proportion of Duty.
Chanks or Saule - - -	7½	¾ ds.	Keorah Water - - -	7½	¾ ds.
Cheraph - - - - -	ditto	ditto	Kutch - - - - -	5	¾
Chowries - - - - -	5	½	Lace, gold and silver - -	ditto	ditto
Ditto, imported from Nepal	2½	No drawback	Leather - - - - -	ditto	ditto
Chuckrassy - - - - -	7½	¾ ds.	Lack, stick, joory, shell, cake and seed - - -	5	ditto
Chumam, to be levied at Calcutta and Dacca only	10	¾ ths.	Loath - - - - -	7½	¾ ds.
Chutia - - - - -	5	½	Lohan, or Benjamin - -	ditto	ditto
Civet, country produce -	7½	¾ ds.	Long Pepper and Long Pepper Root - - - - -	ditto	ditto
Ditto, imported from Nepal	2½	No drawback	Loosys - - - - -	5	¾
Cloves - - - - -	10	¾ ths.	Ditto, imported from Nepal	2½	No drawback
Cochineal - - - - -	7½	¾ ds.	Madder - - - - -	7½	¾ ds.
Cocoa Nuts, either with or without Bark - - -	5	¾	Mastick - - - - -	ditto	ditto
Columbo root - - - - -	7½	¾ ds.	Minium - - - - -	10	¾ ths.
Coscin Flower - - - - -	ditto	ditto	Morinda - - - - -	7½	¾ ds.
Copal or Kibroba - - -	ditto	ditto	Mowry - - - - -	ditto	ditto
Copper, unwrought - - -	10	¾ ths.	Munjeet or Madder - -	7½	¾ ds.
Ditto, imported from Nepal, whether wrought or unwrought - - -	2½	No drawback	Musk - - - - -	ditto	ditto
Coral - - - - -	10	¾ ths.	Ditto, imported from Nepal	2½	No drawback
Corander or Dhonea - -	7½	¾ ds.	Myrobalsans - - - -	7½	¾ ds.
	5 per cent. not exceeding 12 As. per maund or 96 Calcutta Sa. Wt.	Total	Myrrh - - - - -	ditto	ditto
Cotton, cleaned - - -	Ditto not exceeding 4 As. ditto	Total	Mustard and Sesamum -	ditto	ditto
			Oils, vegetable or animal	ditto	ditto
Ditto, uncleaned - - -			Ditto, Town Duty - - -	5½	Total
Cotton Yarn - - - - -	7½	¾ ds.	Oil Seed - - - - -	7½	¾ ds.
Cow Tails - - - - -	5	½	Ditto, Town Duty - - -	5	Total
Ditto, imported from Nepal	2½	No drawback	Oil, prepared on essential	7½	¾ ds.
Crimdalah - - - - -	7½	¾ ds.	Orpiment or Yellow Arsenic	10	¾ ths.
Cumin or Jeerah - - -	ditto	ditto	Otter - - - - -	5	¾ ds.
Dammer - - - - -	5	¾	Owda - - - - -	ditto	ditto
Dhyc Flower - - - - -	7½	¾ ds.	Paper, Bengal - - - -	5	¾
Dry Ginger - - - - -	ditto	ditto	Peoric - - - - -	10	¾ ths.
Elephants Teeth - - -	ditto	ditto	Pepper, black and white -	ditto	ditto
Embroidered Goods and Brocades - - - - -	ditto	¾ ds.	Picee Goods, Cotton - -	7½	¾ ds.
Ditto, imported from the Vizier's or Nepal Territories	2½	No drawback	Ditto, on importation from Vizier's or Nepal Territories	2½	No drawback
Frankincense - - - - -	7½	¾ ds.	Picee Goods, Silk, or partly Cotton, partly Silk - -	7½	¾ ds.
Fringes - - - - -	ditto	ditto	Ditto, from Vizier's and the Nepal territories - - -	2½	No drawback
Ditto, imported from the Vizier's or Nepal territories	2½	No drawback	Pipe Staves - - - - -	7½	¾ ds.
Furs - - - - -	5	¾	Putchapart - - - - -	ditto	ditto
Ditto, imported from Nepal	2½	No drawback	Putties - - - - -	5	¾
Galbanum, the produce of the country - - - -	7½	¾ ds.	Rangamattee or Indian Red	10	¾ ths.
Ghee, Town Duty - - -	10	¾ ths.	Raw Hides - - - - -	5	¾
Gopee Matte - - - - -	ditto	ditto	Rosin - - - - -	ditto	ditto
Gum Arabic, the produce of the country - - -	7½	¾ ds.	Rose Water - - - - -	7½	¾ ds.
Gunnies, and Gunny Bags -	5	¾ ds.	Saffron - - - - -	10	¾ ths.
Gundeberoza - - - - -	7½	¾ ds.	Sal Ammoniac - - - -	5	¾
Hookah, and Hookah Snakes	ditto	ditto	Saltpetre - - - - -	7½	¾ ds.
Hurrah - - - - -	ditto	ditto	Sandal Wood - - - - -	ditto	ditto
Hursingah Flower - - -	ditto	ditto	Sappan Wood - - - -	ditto	ditto
Hurtal - - - - -	10	¾ ths.	Saul Timber - - - - -	10	¾ ths.
Jarrel, red or white - -	ditto	ditto	Silk, Raw Filature, on a valuation of 7 rupees per seer of 80 Calcutta sa. wt.	7½	¾ ds.
Indigo, the manufacture of the British Territories, on a fixed valuation of 100 rupees per factory maund	5	Total	Ditto, Bengal, wound, on a valuation of six rupees per seer of 80 Calcutta sa. wt.	ditto	ditto
Ditto, the manufacture of the Vizier's Territories -	5	¾ ths.	Silk Tushah, <i>ad valorem</i> -	ditto	ditto
Iron - - - - -	10	¾ ths.	Ditto Chassum, <i>ad valorem</i> -	ditto	ditto
Ditto, imported from Nepal	2½	No drawback	Sissoo Timber - - - -	10	¾ ths.
Jutta Munsee - - - - -	7½	¾ ds.	Senna - - - - -	7½	¾ ds.
Ivory - - - - -	ditto	ditto	Setringees - - - - -	ditto	ditto
			Shawls - - - - -	10	¾ ths.
			Sisal - - - - -	7½	¾ ds.
			Soap - - - - -	5	¾
			Sonf - - - - -	7½	¾ ds.
			Sonjee Matte - - - -	5	¾

Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.	Enumeration of Goods.	Transit Duty.	Drawback on exportation to the United Kingdom.
	Per Cent. Value.	Proportion of Duties.		Per Cent. on Value.	Proportion of Duties.
Soonamooky Leaf - -	7½	¾ds.	Timber, viz. Saul, Sissoo,		
Soondry Timber - -	10	¾ths.	Jarool (red and white,) and Soondry - -	10	¾ths.
Spikenard - -	7½	¾ds.	Tincal - -	5	½
Steel - -	10	¾ths.	Ditto, from Nepaul - -	2½	No drawback
Ditto, imported from Nepaul	2½	No drawback	Tobacco, Town Duty - -	10	¾ths.
Stone Plates - -	5	¾ds.	Toond Flower - -	7½	¾ds.
Storax - -	7	¾ds.	Tuggar - -	ditto	ditto
Sugar, Jaggry, Goor, and Syrup - -	5	¾	Turneric, Town Duty - -	5	¾
Ditto, Town Duty - -	ditto	Total	Uggur, or Aloe Wood - -	7½	¾ds.
Sulphur - -	10	¾ths.	Vermilion - -	10	¾ths.
Tallow Candles - -	5	¾	Verdigris - -	ditto	ditto
Tape - -	7½	¾ds.	Vidry Ware - -	7½	¾ds.
Ditto, from Vizier's or Nepaul Territories - -	2½	No drawback	Wax - -	10	¾ths.
Taipaut, imported from Nepaul - -	2½	ditto	Wax Candles - -	7½	¾ds.
Thread - -	7½	¾ds.	Wood used in Cabinet-work	5	¾
Thread, imported from Nepaul or Vizier's Territories	2½	No drawback	Woollens - -	2½	No drawback
			Ditto, imported from Nepaul		
			Yellow Ochre, or Gopce		
			Mattee - -	10	¾ths.

A. D. 1817. REGULATION XXII.

A REGULATION for vesting the Judge and Magistrate of Cuttack with power to remove and to appoint the Native Ministerial Officers on his Establishment without a previous reference to the Provincial Court of Appeal and Circuit for the Division of Calcutta:—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Kautic 1224 Bengal era; the 3d Kautic 1225 Fusly; the 14th Kautic 1225 Willaity; the 3d Kautic 1874 Sumbut; and the 10th Zulhej 1232 Higerce.

Preamble.

CONSIDERATIONS connected with the recent disturbances in Cuttack have rendered it expedient that the officer discharging the functions of judge and magistrate of Cuttack should for the present be vested with authority to remove the native ministerial officers attached to the judicial establishment of that district, and to appoint individuals to succeed to vacant offices on his establishment without applying for the previous sanction or confirmation of the Provincial Court of Appeal and Circuit for the division of Calcutta; the following rules have accordingly been passed, to take effect from the promulgation of this Regulation.

Rules regarding the appointment, removal and resignation of native judicial officers by the Court of Circuit, not to have effect in Cuttack.

II. *First*.—Such parts of the existing Regulations as require that the Provincial Court of Appeal and Circuit shall confirm the appointment, removal, and resignation of certain native ministerial officers, including the record keepers, moonsiffs, and sudder ameens employed under the authority of the zillah and city judges and magistrates, shall not have effect in the zillah of Cuttack.

The judge and magistrate of Cuttack vested with full power to remove, appoint, or to accept the resignation of such officers, without the previous

Second.—The officer discharging the functions of judge and magistrate of Cuttack is hereby vested with full authority to remove and appoint, or to accept the resignations of the officers above alluded to, without the previous sanction of the Provincial Court of Appeal and Circuit for the division of Calcutta.

function of the Provincial Court.

A.D. 1817. REGULATION XXIII.

A REGULATION for modifying certain parts of Regulations XIX and XXXVII, 1793, and for defining the right of Government to the Revenue of Lands not included within the boundaries of Estates for which a Settlement has been made:—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Katick 1224 Bengal era; the 3d Katick 1225 Fusly; the 14th Katick 1225 Willaity; the 3d Katick 1874 Sumbut; and the 16th Zeheja 1232 Higerree.

THERE is reason to believe that extensive tracts of land lying within that part of the country, which is ordinarily denominated the Sunderbuns, and which at the period of the formation of the permanent settlement were entirely waste, and not included within the limits of pergunnahs, mouzas, or other known divisions of estates for which a settlement was concluded, have been brought into cultivation, and are now occupied by individuals without payment of revenue; and it is likewise understood that extensive tracts of alluvion lands, formed since the period above mentioned, are held in the districts adjoining the Sunderbuns by individuals without payment of revenue—but the inherent title of Government to a certain proportion of the produce of every begah of land in all cases in which it shall neither have transferred its right thereto for a term or in perpetuity, nor have limited its demand by a distinct agreement with the proprietor or possessor, has uniformly been avowed and acknowledged; and in pursuance of that principle Government are clearly entitled to assess all lands of the nature of those above described.—It may however be apprehended that individuals holding such lands will avail themselves of the rules by which the claims of Government to resume the revenue of lands held free of assessment under illegal or invalid tenures, are declared cognizable only in the courts of judicature to thwart the revenue authorities in the recovery of the just dues of Government from the lands above described, and it is otherwise expedient that those rules should be amended and modified.—It is likewise desirable that the principle upon which the revenue authorities are to proceed in assessing such lands, should be distinctly explained, that individuals may be the better protected against any encroachment on the rights secured to them by the permanent settlement.—The following rules, therefore, have been enacted to be in force from the date of their enactment within the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore, and Backergunge.

II. Sections XII, XIII, XIV, XVI and XIX, Regulation XIX, and Sections VII, VIII, IX, XI and XIV, Regulation XXXVII, 1793, in as far as they are applicable to the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore, and Backergunge, are hereby rescinded; and the provisions contained in Sections III, IV, V, VI, VII, VIII and IX, Regulation V, 1813, are hereby extended to the above-mentioned districts.

and the provisions contained in Section III, to IX, Regulation V, 1813, extended to those districts.

III. The provisions contained in Sections III, IV, V, VI, VII, VIII and IX, Regulation V, 1813, are hereby declared applicable to all lands held at an inadequate jumma under mocurrary or other tenures, limiting the demand of Government.

The latter provisions applicable to lands held at an inadequate jumma under mocurrary or other tenures, limiting the demand of Government.

IV. *First.*—It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any pergunnah, mouza, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX, and XXXVII, 1793, are and shall be considered liable to assessment in the same manner as other unsettled mehals, and the revenue assessed on all such lands, whether exceeding 100 begahs, or otherwise, shall belong to Government.

Lands not included within the limits of any pergunnah or estates at the decennial settlement, are liable to assessment in the same manner as other unsettled Mehals.

Second.—The foregoing principle shall be deemed applicable not only to tracts of land such as are described to have been brought into cultivation in the Sunderbuns, but to all Churs and Islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period,

The foregoing principle shall be applicable to all churs and islands formed since the decennial

settlement, and generally to all lands gained by alluvion or alteration in the course of the rivers. whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

Likewise, applicable to certain lands held under special pottahs from the collectors, and not brought under assessment at the permanent settlement. Proviso.

Third.—The same principle shall likewise be deemed applicable to all lands, which at the period of the permanent settlement were included within the limits of talooks held by individuals under special pottahs from the collector, such as the Putcet-abady, and Jungulboory talooks in the districts of the 24 Pergunnahs and Jessore, and which were not brought under assessment at the above-mentioned period—provided however, that in respect to such lands, if in the possession of the original pottah-holder, or his legal representative, the conditions of the pottah, in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

The collector how to proceed when any lands may be liable to assessment on the principle above specified.

V. First.—Whenever the collector of any of the districts above mentioned, the commissioner in the Sunderbuns, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official control are liable to assessment on the principle above specified, he shall report the circumstance to the Board of Revenue, or other authority exercising the powers of that Board, who, should they be of opinion that proper grounds exist for an inquiry, shall direct the collector, or other officer aforesaid, to call upon the holder of the lands, and by a written notice under his official seal and signature to adduce within the period of one month from the receipt of the notice, any documentary or other evidence tending to establish the fact that the lands were at the period of the decennial settlement included within the limits of an estate for which a permanent settlement may have been concluded, or that a distinct settlement has been concluded for them since that period, or that they are held free of assessment by a valid grant of the nature specified in Regulations XIX, and XXXVII, 1793, and are not liable to assessment on the principle specified in the IVth Section of this Regulation.

To institute particular inquiry regarding the lands.

Second.—The collector or commissioner, as the case may be, shall at the same time institute a full and particular inquiry into the circumstances and condition of the land in question at the period of the decennial settlement, and in the case of alluvion land, into the period of its formation.

To cause a survey or measurement to be made of such lands.

VI. First.—When the inquiry described in the foregoing Section shall have been authorized, it shall be competent to the collector, or commissioner aforesaid, with the sanction of the Board of Revenue previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands are alleged to belong.

The collector declared competent to summon the putwarry, gomastah, or other persons, for the production of all accounts relating to such lands.

Second.—It shall likewise in such cases be competent to the collector or commissioner to summon the putwarry, gomastah, or other person by whom the accounts relating to such lands, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate in the manner specified in Section XXII, Regulation XII, 1817.

And to require the personal attendance of the proprietors or farmers of such lands for the production of the requisite accounts.

Third.—It shall further be competent to the collector or commissioner in the cases above specified, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be the proprietor or farmer of the lands proposed to be assessed, or of the estate to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate within a reasonable time, not being less than one week.

Written notice to be served on the persons above mentioned for their attendance.

VII. First.—Whenever the collector or commissioner shall require the attendance of any proprietor or farmer, or of any putwarry, gomastah or other officer, for the purpose stated in the above Section, he is to serve such proprietor or other person aforesaid with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Mode of serving process.

Second.—Provided further, that the Rules contained in Section III, Regulation XIV, 1793, regarding the mode of serving process for the recovery of arrears of

of revenue, shall be held applicable to processes issued by a collector, or other officer exercising the powers of a collector under the provisions contained in the two preceding sections, excepting always so much of the said rules as prescribes that the person serving the process shall be paid by the party in whose name it is issued.

VIII. First.—If it shall appear to the collector or commissioner on due consideration of the documents and other evidence which may be adduced by the holder of the land, regarding which the inquiry above described shall have been instituted, or which may be otherwise received and examined by himself, that the lands are liable to assessment on the principle specified in Section IV, of this Regulation, he shall forward the whole of his proceedings on the subject, with his opinion thereon, to the Board of Revenue, or other authority vested with the powers of that Board, who will decide after such further inquiry as they may deem requisite, whether the land shall be deemed liable to assessment or otherwise.

If the lands shall appear liable to assessment, the collector to forward his proceedings to the Board of Revenue, or other proper authority.

Second.—If the collector after receiving the documents or evidence adduced, and holding the inquiry directed in Section V, of this Regulation, shall be of opinion that the lands are not liable to assessment, he shall nevertheless transmit the whole of his proceedings on the case, with his opinion thereon, to the Board of Revenue, or other authority exercising the powers of that Board, who will decide and issue the proper orders for the assessment of the lands, or for admitting the claim of the holder of the lands.

If on inquiry the lands may not appear to be liable to assessment, the collector or the commissioner how to proceed.

IX. First.—It shall be the duty of the collector or commissioner holding the inquiry described in Section V, carefully to number, mark, date and sign all documents produced by a zemindar or other person possessing lands of the nature above described, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before them.

The collector shall carefully mark all documents produced by a zemindar or other person possessing lands of the nature above described.

Second.—It shall likewise be the duty of the collector and the Board of Revenue to state distinctly in each instance the grounds on which the revenue of any such lands may be resumed, in order that, should the case come before the courts of judicature, the issue to be tried may be as plain and simple as possible.

To state distinctly the grounds on which the revenue of such lands may be resumed.

X. The revenue on lands resumed and assessed under the provisions of this Regulation shall be regulated by the general Rules contained in the Regulations for the settlement of lands paying revenue to Government; and the revenue authorities shall follow generally in regard to them the same course as is ordinarily adopted in respect to unsettled mchals, excepting, of course, in cases in which the undisputed proprietary right to the lands may be vested in Government.

The revenue lands which may be resumed and assessed how to be regulated.

XI. It shall not be competent to Government or its officers, after the question shall have been decided in the manner stated in Section VIII, of this Regulation, to revive the question, or disturb the title of the occupant, except on proof in a court of judicature of fraud or collusion in the previous inquiry.

described in Section VIII, of this Regulation.

XII. First.—Any person who may consider himself aggrieved by the decision which may be passed by the Board of Revenue or other authority exercising the powers of that Board, under the Rules contained in Section VIII, of this Regulation, shall be at liberty to institute a suit in the courts of judicature against Government, to try the merits of the said decision—provided that such suit be instituted within the period of six months from the date on which it may be passed.

Persons aggrieved, at liberty to institute a suit against Government within the period of 6 months.

Second.—Such suits may be instituted without previous reference to the Governor General in Council, against Government, and shall be defended by the collectors, under the instructions of the Board of Revenue, or other authority aforesaid. The courts of judicature, in cases in which they may be of opinion that the decision of the revenue authorities has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question on the same tenure as he possessed previously to that decision; at the same time awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject; and giving proper directions for the adjustment of the accounts of the collections made from the lands during the time that they may have been in the charge of the officers of Government.

A previous reference to the Governor General in Council not required in such suits. The courts of justice how to proceed.

Courts of justice not to interfere, or to stay process previously to the formal decision by the revenue authorities.

Putwarries or other persons neglecting to produce the requisite accounts, or give evidence regarding them, liable to certain penalties.

If the holder of such lands shall refuse to furnish the accounts, their lands shall be liable to attachment.

The collector is nevertheless to make a full inquiry into the title of the holder of the lands.

The courts of justice how to proceed when accounts may be exhibited by the holder of such lands, which accounts may not have been delivered to the collector.

Proprietors or farmers omitting to attend, or refusing to furnish the accounts required from them, liable to a daily fine.

Zemindars or other persons refusing the attachment or measurement of their lands, to pay a fine to Government.

Such fine, when exceeding 500 rupees, shall be reported to the Governor General in Council for orders.

Third.—But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue-officers, nor any precept or other order to prevent the attachment of the land, or ejectment of the holder thereof, consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under the above Section.

XIII. First.—If any putwarry, gomastah or other person, by whom the accounts of lands are kept, and who may be summoned by a collector or a commissioner under the provisions contained in Sections VI and VII of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner when summoned and examined as aforesaid, or shall alter, fabricate, falsify, or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections XXIII, XXVI, and XXVII of Regulation XII, 1817, according as the provisions of one or other of those Sections may be applicable to the offence committed by him.

Second.—If the holder of any lands, in regard to which the collector shall have been authorized by the Board of Revenue, or other authority exercising the powers of that Board, to institute the inquiry described by Section V, of this Regulation, shall refuse or neglect to furnish the accounts relating to such lands, within the period specified in the collector's requisition, the Board of Revenue shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government.

Third.—In such cases, however, it shall still be the duty of the collector to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

Fourth.—Provided further, that if the holder of any lands assessed under the Rules of this Regulation shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents besides such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall show good cause, to the satisfaction of the court, for not having produced the said accounts or documents, and shall prove that he assigned such cause in answer to the collector's requisition.

Fifth.—Provided also, that if any proprietor or farmer shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the collector or commissioner by the time prescribed in the notice issued by the collector or commissioner, or shall omit, or refuse to furnish the accounts or documents required, and to show sufficient cause for such omission, the Board of Revenue, or other authority exercising the powers of that Board, are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition as they may think adequate to his situation and circumstances in life, reporting however the amount, for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

XIV. If any zemindar or other person shall resist or cause to be resisted the attachment or measurement of lands, which the Board of Revenue, or other authority exercising the powers of that Board, shall have authorized the collector or commissioner to attach or measure, under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a putwarry, gomastah, or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section XIII of this Regulation, it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the zemindar, or other person so offending, to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed 500 rupees, the Board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine until they shall receive authority from Government for that purpose.

XV. Nothing

XV. Nothing in the present Regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the Courts of Judicature to decide on all contested cases, whether lands assessed under the provisions of this Regulation were included, at the period of the decennial settlement, within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed, at the period in question, a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zemindars and other proprietors of land will be enabled, by an application to the courts, to obtain immediate redress in any case in which the revenue authorities shall violate or encroach on the rights secured to them by the permanent settlement.

The present Regulation not to affect waste lands included within the ascertained boundaries of estates for which a permanent settlement has been concluded.

A. D. 1817. REGULATION XXIV.

A REGULATION for modifying the Constitution of the Commission established in the provinces of Behar and Benares, and in the Districts of Raughur, Bhau-gulpore and Purneah; for extending the authority of the said Commission to the Districts of Dinagepore and Rungpore; and for better defining the powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the authority of that Board.—Passed by the Vice-President in Council on the 9th December 1817; corresponding with the 25th Aughun 1224 Bengal era; the 16th Aughun 1225 Fushy; the 26th Aughun 1225 Willaity; the 1st Aughun 1874 Sumbut, and the 29th Mohurrem 1223 Higree.

WHEREAS it has been deemed advisable to intrust the powers and authority vested by the existing Regulations in the Commissioner in Behar and Benares, to a Board consisting of two Members; and it has also appeared expedient to extend the authority of that Board to the Districts of Dinagepore, and Rungpore: and whereas it is desirable to obviate all doubts in regard to the powers vested in a single member of the Board of Revenue, or of a Commission exercising the authority of that Board, the following rules have been enacted, to be in force from the 1st January 1818, throughout the territories immediately dependent on the Presidency of Fort William.

II. The duties, powers and authority exercised under the Regulations now in force by the Commissioner in Behar and Benares, within the said Provinces, and in the districts of Raughur, Bhau-gulpore, and Purneah, shall be vested in a Board consisting ordinarily of two members, to be denominated the Board of Commissioners in Behar and Benares; provided, however, that it shall be competent to the Governor General in Council to intrust the powers, and authority of the said Board to a single Commissioner, whenever circumstances may render that measure advisable.

The powers and authority vested in the Commissioner in Behar and Benares, intrusted to a Board of Commissioners, consisting of two members.

Provido for intrusting the said powers to a single commissioner, when deemed necessary.

III. The general superintendence of the revenues of the Districts of Dinagepore and Rungpore shall be vested in the above-mentioned Board, in the same manner, and with the same powers, and authority, as it is now exercised by the Board of Revenue.

The superintendence of the revenues of Dinagepore and Rungpore vested in the Board of Commissioners in Behar and Benares.

IV. The rules contained in Regulation XIII, 1811, shall be considered applicable to the said Board of Commissioners, in like manner as they are and shall be considered applicable to the Board of Commissioners in the Ceded and Conquered Provinces.

Regulation XIII, 1811, to be applicable to the Board of Commissioners in Behar and Benares.

V. It is hereby further declared, and enacted, that in the event of the death, resignation, or unavoidable absence of a member of the Board of Revenue, or of a member of any Commission exercising the powers of that Board; a single member of such Board or Commission shall be competent to exercise all the duties, powers and authority vested in such Board collectively, in like manner as in the case specified in Section IV, of the above-mentioned Regulation.

On what occasions a single member of each Board shall be deemed competent to exercise all the powers of the Board.

A. D. 1817. REGULATION XXV.

A REGULATION for fixing the Weight of the Pice struck at the Calcutta Mint, and for giving general circulation to Pice struck at any of the Mints subordinate to this Presidency.—Passed by the Vice-President in Council on the 9th December 1817, corresponding with the 25th Aughun 1224 Bengal era; the 16th Aughun 1225 Fusly; the 26th Aughun 1225 Willaity; the 1st Aughun 1874 Sumbat, and the 29th Mohurrem 1233 Higerree.

Preamble.

WHEREAS it has been deemed expedient to adopt some precise rules for the coinage and currency of the copper pice struck in the mint of Calcutta, and also for extending the circulation of those pice, as well as the pice struck at the mints of Benares and Furruckabad, the following rules are therefore enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the Presidency of Fort William.

Specification of the weight of copper pice struck at the mint at Calcutta.

II. The copper pice struck at the Calcutta mint shall be of pure copper, and of the weight of 100 grains troy.

Inscription and date.

III. The inscription shall be on one side One Pie Sicca, in the Bengalee, Persian and Nagree characters, and the date on the obverse.

Rate at which the pice shall be issued and received.

IV. The pice shall be issued from the mint and public treasuries at the rate of sixty-four to one sicca rupee, at which rate they will be received again by the public officers in payment of the fractional parts of a rupee, and they shall also be legal tender in payments of the same nature, at the rate of sixty-four to a rupee of the local currency throughout the provinces subject to the Presidency of Fort William.

The pice struck at the mints of Benares and Furruckabad to circulate equally with the pice of Calcutta coinage, throughout the provinces.

V. The pice struck at the mints of Benares and Furruckabad, agreeably to the provisions of Regulation X, 1809, Regulation VII, 1814, and Regulation XXI, 1816, shall also be considered as circulating equally with the pice of Calcutta coinage throughout the above-mentioned provinces; and shall in like manner be received as a legal tender in payment of the fractional parts of a rupee of the local currency, at the rate of sixty-four pice for each rupee.

A. D. 1817. REGULATION XXVI.

A REGULATION for authorizing the circulation of Furruckabad Rupees, coined in either of the Mints of Calcutta, Furruckabad, or Benares, or at any other Mint established by Order of the Governor General in Council.—Passed by the Vice-President in Council on the 16th December 1817; corresponding with the 3d Poose 1224 Bengal era; the 23d Aughun 1225 Fusly; the 4th Poose 1225 Willaity; the 8th Aughun 1874 Sumbat; and the 6th Suffer 1233 Higerree.

Preamble.

WHEREAS it may from time to time be found expedient to coin, Rupees of the weight and standard of the Furruckabad Rupee at the mints of Calcutta or Benares, it has been deemed advisable to rescind so much of Section II of Regulation XIV, of 1803, as tends to limit the coinage of Furruckabad Rupees to the mint of Furruckabad; and to direct that the following enactment be henceforward in force.

Furruckabad rupees coined in any of the mints to be the established and legal silver coin in the ceded and conquered provinces.

II. The silver coin denominated the Furruckabad Rupee, and of the weight and standard prescribed by Section II, of Regulation III, 1806, struck at the mints of Calcutta, Furruckabad or Benares, or at any other mint established by order of the Governor General in Council, is hereby declared to be the established and legal silver coin in the Ceded and Conquered Provinces.

II.

REGULATIONS

Passed by the Governor and Council of *Fort St. George*
in the Year 1817.—No. I. to VIII.

A. D. 1817. REGULATION I.

A REGULATION for modifying certain parts of Regulation IV, 1812.—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 20th January 1817; corresponding with the 10th Tye of the year Dautoo, 1738th year of Saliwahn, and with the 31st Suffer 1232 Hijree.

WHEREAS a Convention of Commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India, the following rules have been framed into a Regulation, to be in force in the territories subject to the Presidency of Fort St. George from the period of their promulgation.

II. It is hereby declared and enacted that such parts of Section III, Regulation IV, 1812, as refer to ships belonging to the United States of America shall cease during the continuance of the said Convention, and that the several provisions of the third article thereof, which is herein inserted, shall, during such period, be observed within the territories subject to the Presidency of Fort St. George.

Article III of a Convention of Commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

“ His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal Settlements of the British Dominions in the East Indies, viz. Calcutta, Madras, Bombay, and Prince of Wales’s Island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation respectively, to and from the said territories, shall not be entirely prohibited: provided only, that it shall not be lawful for them, in any time of war between the British Government and any State or Power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favoured European nations; and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

“ But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

“ It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting-trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions

Preamble.

The operation of parts of section III, Regulation IV, 1812, modified.

Article III. of a convention of Commerce between Great Britain and America.

" dominions in the East Indies, and then going with their original cargoes, or any part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting-trade. The vessels of the United States may also touch for refreshments, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such other places as may be in the possession of Great Britain in the African or Indian seas; it being well understood, that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government from time to time established."

Explanation regarding the vessels of the United States of America being prohibited from touching at or holding any communication with the Island of St. Helena.

III. In explanation of the above article, the Governor in Council deems it proper to give notice, for general information, that the ratifications of the said Treaty were exchanged under the explicit declaration and understanding that the vessels of the United States cannot be allowed to touch at, or hold any communication with, the Island of St. Helena, as long as the said Island shall continue to be the place of residence of Napoleon Buonaparte.

A. D. 1817. REGULATION II.

A REGULATION for suspending, for a certain period, the operation of Regulations XIII, XIV and XV of 1816, and for re-establishing certain stamp-duties abolished by the first of those Regulations:—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 20th January 1817; corresponding with the 10th Tye of the year Dautoo, 1738th year of Saliwahn, and with the 31st Suffer 1232 Hijree.

Preamble.

AS the stamps described in Clause first, Section V, Regulation XIII, 1816, cannot be prepared so that the new stamped paper may be transmitted to the several districts under this Presidency by the period fixed for that Regulation to take effect; as many of the provisions of Regulations XIV and XV of 1816 are dependent on the operation of Regulation XIII of 1816; and as it is found expedient to continue the stamp-duties established under the provisions of Section II, Regulation VIII of 1808, and Sections XIII, XIV and XV of Regulation II, of 1813, and abolished under the provisions of Section II, Regulation XIII of 1816, the Governor in Council has been pleased to enact this Regulation.

Certain provisions of former Regulations rescinded.

II. Regulations IV, V, VIII and XVII, of 1808, Section XXXV, Regulation VII of 1809, and Regulation II of 1813, and generally all rules at present in force respecting the duties levied by means of stamped paper and stamped cadjans, and regarding the fees to be paid on the institution of suits on exhibits and on summonses for witnesses, shall continue in force till the 12th of July 1817, and from and after that date shall be rescinded.

Regulations XIII, XIV and XV of 1816 not to be in force until the 12th of July 1817.

III. The operation of Regulations XIII, XIV and XV of 1816 shall not commence until the 12th of July 1817, from which day they shall be in force.

Additional rules to be in force from the same date.

Stamped paper to be used for rowannahs.

IV. The following Rules shall be in force from and after the 12th of July 1817.

V. *First*.—For all rowannahs permitting the transportation or carriage of any goods (salt and rice only excepted) to which the seal and signature of any of the Collectors of customs in the provinces subject to the Presidency of Fort St. George, or their officers, are or may be required to be affixed, stamped paper shall be used, and the parties obtaining them shall pay for it at the following rates:

Rates of stamps on rowannahs.

If the value of the goods shall not exceed ten rupees,—one anna.
 If above ten, and not above fifty rupees,—four annas.
 If above fifty, and not above one hundred and fifty,—eight annas.
 If above one hundred and fifty, and not above three hundred,—one rupee.
 If above three hundred, and not above a thousand,—two rupees.
 If above a thousand, and not above five thousand,—four rupees.
 If above five thousand, and not above ten thousand,—ten rupees.
 If above ten thousand rupees,—twenty rupees.

Second,

Second.—Stamped paper shall not be required for exchanged rowannahs and rowannah chittees, or teerwa chittees or passes.

Stamped paper not required for rowannah chittees or teerwa chittees.

Third.—Stamped paper shall not be required for rowannahs granted for goods provided for the Company's investment.

Stamped paper not required for rowannahs for the Company's goods.

VI. Stamped paper shall be used for all abkary licenses, and the parties obtaining them shall pay for it according to the rates hereunder mentioned.

Stamped paper to be used for abkary licenses.

On a rent of rupees 500 or under	- - - -	5 rupees.
Ditto - of rupees 1,000 and above 500	- - -	10
Ditto - of rupees 2,000 and above 1,000	- - -	20
Ditto - of rupees 3,000 and above 2,000	- - -	30
Ditto - of rupees 4,000 and above 3,000	- - -	40
Ditto - of rupees 5,000 and upwards	- - -	50

Rates of stamps on abkary licenses.

VII. Stamped paper shall be used for all licenses for the retail sale of tobacco which may be granted in the provinces of Malabar, Canara and Coimbatore, and the parties obtaining them shall pay for it at the following rates; viz.

Stamped paper to be used for tobacco licenses.

Two annas if the annual average sales do not amount to three maunds.

Rates of stamps on tobacco licenses.

Four annas if they amount to three, but not to nine maunds.

Eight annas if they amount to nine, but not to fifteen maunds.

One rupee if they amount to fifteen maunds.

VIII. All persons who on the 12th day of July 1817 shall have in their possession blank stamped paper, which cannot be used under the provisions thereafter to be in force, on returning such stamped paper to the Collector of the zillah, his Assistant, or other European officer authorized to dispose of stamped paper, shall be entitled to receive back the duty which may have been paid thereon.

The former descriptions of blank stamped paper may be returned to the Collector, who will pay back the duty.

A. D. 1817. REGULATION III.

A REGULATION for explaining and modifying certain provisions of Regulations IX, X and XI of 1816:—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 3d February 1817: corresponding with the 24th Tye of the year Dautoo, 1738th year of Saliwagana, and with the 15th Rabi-ul-Awel 1232 Hijree.

WITH the view of removing certain doubts concerning the degree of communication between the Criminal Judge and the Magistrate, permitted under the provisions of Regulations IX and X of 1816, and of obviating the public inconvenience, and other evils which in cases of emergency might result from the want of authority in the Criminal Judge to command the services of the Police during the absence of the Magistrate and of his Assistant, the Governor in Council has passed this Regulation.

Proviso.

II. The Criminal Judge may call for any documents required to be transmitted to him by the Magistrate under Section XXV, Regulation IX of 1816, or by a Police-Officer under Section XXVII, Regulation XI of 1816, which may not be so transmitted. And it is hereby declared, that nothing in the existing Regulations is intended to prohibit a full and free communication between the Criminal Judge and the Magistrate on all subjects connected with the discharge of their respective duties in those capacities.

The Criminal Judge may call for documents detained. A full and free communication take place between Criminal Judges and Magistrates on all subjects connected with their duties.

III. In any case requiring the immediate interference of the Magistracy when there may not be a Magistrate or Assistant Magistrate present at the zilla station, it shall be competent to the Criminal Judge to do all acts necessary for preserving the public peace or securing public offenders, which it would be competent to the Magistrate in such case to do; and it shall be the duty of all Police-Officers to afford him the most prompt and effectual aid.

Criminal Judge authorized to act for the Magistrate in certain

A. D. 1817. REGULATION IV.

A REGULATION for rescinding Regulation V of 1812, and reviving the Jurisdiction of the Zillah of South Malabar over the Town of Cochin and its Dependencies:—Passed by the Right Honourable the Governor in Council of Fort St. George, on the 17th February 1817; corresponding with the 8th Mausee of the year Dautoo, 1738th year of Saliwahn, and with the 29th Robu-lavel 1232 Hijeree.

Preamble.

THE Regulations lately enacted having rendered a separate Court of Judicature for the Town of Cochin and its dependencies no longer necessary, the Right Honourable the Governor in Council has been pleased to enact this Regulation, to be in force from the date of its promulgation.

Rescission of Regulation V of 1812.

II. Regulation V of 1812 is hereby rescinded.

Cochin declared subject to the Zillah of South Malabar.

III. *First*.—The jurisdiction exercised by the Court of South Malabar under the provisions of Clauses Second and Third, Section IV, Regulation XII, of 1808, is declared to be revived.

Records to be transferred.

Second.—All suits which may be depending before the Zillah Court of Cochin shall be transferred, together with the papers and documents connected therewith, to the Zillah Court of South Malabar, and the Judge of that zillah is empowered to proceed in the trial of the same, in like manner as if they had been originally instituted before him.

Order of jail-deliveries in the Western Division.

IV. The jail-deliveries of the several zillahs in the Western Division, with the exception of the zillah of North Malabar, shall hereafter be held in the following order of succession:

1. Canara,
2. South Malabar,
3. Seringapatam.

A. D. 1817. REGULATION V.

A REGULATION for providing a succession of Hindoos and Mahomedans duly qualified to be employed as Law-Officers, and as Vakeels in the Courts of Udawlut, under the Presidency of Fort St. George:—Passed by the Right Honourable the Governor in Council, on the 19th May 1817; corresponding with the 8th Vyahsee of the year Eswara, 1739th year of Saliwahan, and with the 2d Rajeb 1232 Hijeree.

Preamble.

THE Right Honourable the Governor in Council having been pleased to sanction certain Rules of the College of Fort St. George, which provide for the establishment of Native Classes to study the Hindoo and Mahomedan Law and the Regulations passed by Government, and for the periodical examination of the Students in those classes, and of such other Natives as have prosecuted their studies in the provinces subject to this Government, and may be desirous that their knowledge and qualifications for public employment should be ascertained in that manner; and it being deemed expedient, as well with the view of promoting the study of the Laws and the acquirement of general knowledge among the Natives of India, as for the purpose of affording aid and facility towards the administration of justice, that no persons should hereafter be appointed Law-Officers or Vakeels in the Courts of Udawlut under this Presidency who may not have received certificates of qualification from the College of Fort St. George; the Right Honourable the Governor in Council has been pleased to enact the following Rules, to be in force from and after the date of their promulgation.

Such persons only to be appointed law-officers as have obtained certificates of qualification from the College of Fort St. George.

II. No person shall be appointed to be a Hindoo or Mahomedan Law-Officer in any of the Courts of Udawlut under this Presidency who shall not have obtained from the College of Fort St. George a certificate of qualification in the form A, contained in the Appendix to this Regulation.

III. No

III. No person shall be admitted to practise as a Pleader in any of the Courts of Udawlut under this Presidency who shall not have obtained from the College of Fort St. George a certificate of qualification according to some one of the forms B. C. or D, in the Appendix to this Regulation.

Such persons only to be admitted pleaders as have obtained certificates of qualification from the College.

IV. *First.*—Any person who shall have received from the College the certificate B. shall, on applying for the same, be entitled to receive from the Court of Sudder Udawlut a sunnud according to the form E. in the Appendix to this Regulation, authorizing him to act as a Vakeel in any of the provincial or zillah Courts; and the production of such sunnud shall entitle such person to be admitted to practise in any of those Courts accordingly.—Provided that every such person so admitted shall be subject to all the Rules in force for the guidance of Vakeels, and shall be further liable to be deprived of the sunnud granted to him by the Sudder Udawlut for any misconduct which may appear to that Court to render him unworthy of the privilege conferred thereby.

Pundits or Moulavies, having certificates of qualification as pleaders, shall be entitled to a sunnud from the Sudder Udawlut;

And in virtue thereof shall be admissible to plead in the courts.

Second.—So long as persons admitted to plead in the Courts of Udawlut under the provisions of this Section shall receive pay from the College of Fort St. George, and no longer, they shall be prohibited from giving advice to parties opposed to Government in any civil suit or proceeding, or from being concerned directly or indirectly in behalf of such parties.

Pundits or Moulavies, admitted to plead shall, under certain circumstances, be considered as retained by Government.

Third.—It shall be competent to the Board of Revenue, the Board of Trade, or any other authority intrusted with the management of any suit on the part of Government, to associate with the established Vakeel of Government any one of the persons admitted to plead under the provisions of this Section, in any suit arising in the Court in which such person may be admitted to plead; and the Vakeel so associated shall be furnished with a vakalatnamah duly authenticated, and shall be entitled to receive fees equal to one half of the fees established for Pleaders by Regulation XIV of 1816; and it is hereby further provided, that in all cases wherein from the absence or indisposition of the Government Pleader the management of a cause may devolve altogether, or in a great measure, upon the Pleader so associated with the Government Pleader, the Court before whom the suit shall be tried shall be authorized to divide, in such proportion as may appear just, the established fees payable to the Government Vakeel, between the Government Vakeel and the Vakeel associated with him.

Rules under which Pundits or Moulavies, practising as pleaders, are to be associated with, or substituted for, the Government vakeel.

V. Provided always, that none of the foregoing provisions shall be construed to affect the just pretensions of the Pleaders heretofore admitted and now practising in any of the Courts of Judicature, or to hinder their promotion from the Zillah to the Provincial Courts, or their appointment to any office or employment, for which they may be qualified.

The provisions of this Regulation not to affect pleaders admitted before this enactment takes effect.

APPENDIX.

A.

Certificate of a Pundit or Moulavie.

(Seal of
the
College.)

THIS is to certify, that at an examination held on the
of 181 , by the Board of Superintendence for the College of
Fort St. George, assisted by the Law-Officers of the Court of Sudder and
Foujdaree Udawlut, and by the Head [Sanskrit or Arabic] Master at the said
College, A. B. was declared to be qualified by his great proficiency in the
sciences of [Grammar, Law, Logic, &c.] to discharge the duties of [Pundit,
Cazee, or Mooftee.]

E. F. } Law Officers of the Court of
G. H. } Sudder & Foujdaree Udawlut.

K. Head [Sanskrit or Arabic]
the College of Fort St. George

THIS certificate has been granted to the said A. B. under the seal of the College, this day of in the year 181 , corresponding with the [Mahomedan or Hindoo date.]

C. D.

Secretary.

B.

Certificate of a Pundit or Moulavie declared qualified to be admitted a Vakool.

(Seal of
the
College.)

E. F. Law Officers of the Court of
G. H. J. Sudder and Foudjdar Udawlut.

THIS is to certify, that at an examination held on the of 181 , by the Board of Superintendence for the College of Fort St. George, assisted by the Law-Officers of the Court of Sudder and Foudjdarce Udawlut, and by the Head [Sanskrit or Arabic] Master at the said College, A. B. was declared to be qualified, by his great proficiency in the sciences of [Grammar, Law, Logic, &c.] to discharge the duties of [Pundit, Cazee, or Moostee.]

And this is further to certify, that the said A. B. has acquired a competent knowledge of the Regulations enacted by the Government of Fort St. George, and that he is therefore qualified to discharge the duties of Pleader in any of the Courts of Judicature.

I. K.
at th

[Sanskrit or Arabic] M
lege of Fort St. George

THIS certificate has been granted to the said A. B. under the seal of the College, this day of in the year 181 , corresponding with the [Mahomedan or Hindoo date.]

C.

Certificate.

(Seal of
the
College.)

Law-Officers of the Court
of Sudder Udawlut.

THIS is to certify, that at an examination held on the of 181 , by the Board of Superintendence, assisted by the Law-Officers of the Court of Sudder Udawlut, and the Head [Sanskrit or Arabic] Master of the College, A. B. was declared to be qualified, by his proficiency in [Hindoo or Mahomedan] Law, and in the Regulations enacted by the Government of Fort St. George, to discharge the duties of Pleader in any of the Courts of Judicature.

THIS

Head *Sanskrit* or *Arabic* Master, College of Fort St. George—and the Head English, Telugoo or Tamil Masters, according as the examination in the Regulations has been conducted in any of these tongues.

THIS certificate has been granted to the said A. B. under the seal of
the College, this day of in the
year 181 , corresponding with the [the Mahomedan or Hindoo date
to be here inserted.]

12.

Form of Certificate.

(Seal of
the
College.)

THIS is to certify, that the Board of Superintendence of the College of Fort St. George having received a report of the examination of A. B. held on the _____ of _____ 181____, before the Judge or Judges, assisted by the Law-Officers, and the Government Vakeel of the [Zillah or Provincial] Court of _____, on mature consideration of the said report, and of the opinion of the [Mahomedan or Hindoo] Law-Officers of the Court of Sudder Udawlut and the Head [Sanskrit or Arabic] Master of the College thereon, have declared the said A. B. to be qualified, by his proficiency in [Hindoo or Mahomedan] Law, and in the Regulations enacted by the Government of Fort St. George, to discharge the duties of Pleader in any of the Courts of Judicature.

Head of *Sanskrit* or *Arabic* Master, and the Head English, Telugoo or Tamil Masters, according as his examination in the Regulations has been conducted in either of these tongues.

(College of Fort St. George)

This certificate has been granted to the said A. B. under the seal of
the College, this day of in the
year 181 , corresponding with the {the Mahomedan or Hindoo date
to be here inserted.]

E.

Sunnud of a Pundit or Moulavie to be admitted a Fakeel in the Courts of Udaowlut.

(Seal of the
Court of Sudder
and Foujdaree
Udawalut.)

A. B. having been certified by the Board of Superintendence for the College of Fort St. George, to be qualified by his learning to discharge the duties of a Law-Officer, and by his knowledge of the Regulations to be admitted to plead as a Vakeel; the Judges of the Court of Sudder and Foujdaree Udawlut hereby declare the said A. B. to be authorized to transact business as a Vakeel, according to the Regulations.

A. D. 1817. REGULATION VI.

A REGULATION for declaring the provisions of Section IX, Regulation XIII, of 1816, not applicable to deeds and instruments executed previously to the 12th of July 1817, and for reviving the operation of Regulation VIII of 1808, and Regulation II, of 1813, with respect to deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817.—Passed by the Governor in Council of Fort St. George, on the 30th September 1817; corresponding with the 17th Peratausee of the year Eswara, 1739th year of Salewahan, and with the 18th Zecaud 1232 Hijeree.

Preamble.

WHEREAS it is enacted by Section IX, Regulation XIII of 1816, that from and after the period fixed for the operation of that Regulation, no deeds or instruments of the several descriptions enumerated in the said Section shall be received or filed in any Court of Judicature unless the same shall have been written on paper or other material bearing the prescribed stamp: and whereas it is expedient to declare that the provision above recited is not intended to affect any deeds or instruments executed prior to the date on which Regulation XIII of 1816 commenced operation, and also to restore the law to its former state with respect to all deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817; the Governor in Council has enacted the following rules.

Section IX, Regulation XIII, 1816, not applicable to deeds executed before the Regulation took effect.

II. It is hereby declared that the provisions of Section IX, Regulation XIII of 1816, are not intended to apply to any deeds or instruments executed prior to the 12th of July 1817.

Former stamp Regulations revived, with respect to deeds executed while they were in force.

III. In modification of such part of Section II, Regulation XIII of 1816, as rescinds Regulation VIII of 1808, and Regulation II of 1813, it is hereby enacted that the provisions of those Regulations shall still be applied to all deeds and instruments executed between the 1st of January 1809 and the 12th of July 1817.

A. D. 1817. REGULATION VII.

A REGULATION for the due appropriation of the Rents and Produce of Lands granted for the support of Mosques, Hindoo Temples and Colleges, or other public purposes, for the maintenance and repair of Bridges, Choultries or Chuttrums, and other public buildings, and for the custody and disposal of Escheats.—Passed by the Governor in Council of Fort St. George, on the 30th September 1817; corresponding with the 17th Peratausee of the year Eswara, 1739th year of Salewahan, and with the 18th Zecaud 1232 Hijeree.

Preamble.

WHEREAS considerable endowments have been granted in Money, or by assignments of Land, or of the produce or portions of the produce of Land, by former Governments of this country, as well as by the British Government, and by individuals for the support of Mosques, Hindoo Temples, Colleges and Choultries, and for other pious and beneficial purposes: and whereas there are grounds to believe, that the produce of such endowments, is, in many instances, appropriated contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments: and whereas it is the duty of the Government to provide that all such endowments be applied according to the real intent and will of the grantor: And whereas it is moreover expedient to provide for the maintenance and repair of Bridges, Choultries, Chuttrums and other buildings, which have been erected, either at the expense of Government, or of individuals for the use and convenience of the public; and also to establish proper rules for the custody and disposal of Escheats; the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces, immediately dependent on the Presidency of Fort St. George.

The general superintendence of all endowments in land or

II. The general superintendence of all endowments in Land or Money, granted for the support of Mosques, Hindoo Temples, or Colleges, or for other pious and beneficial

beneficial purposes, and of all public buildings, such as Bridges, Choultries or Chuttrums, and other edifices in the several provinces dependent on the Presidency of Fort St. George, is hereby vested in the Board of Revenue.

money, granted for the support of mosques, &c. and of bridges, choultries, and other public buildings, vested in the Board of Revenue.

III. It shall be the duty of the Board of Revenue to take such measures as may be necessary to ensure that all endowments made for the maintenance of establishments of the description above mentioned, are duly appropriated to the purpose for which they were destined by the Government, or the individual by whom such endowments were made. In like manner it shall be the duty of that Board to provide, with the sanction of Government, for the due repair and maintenance of all public edifices which have been erected at the expense either of the former or present Government, or of individuals, and which either are or can be rendered conducive to the convenience of the community.

The Board to take measures for the due appropriation of such endowments, and for the due repair of public edifices.

IV. In those cases, however, in which any of the buildings specified in the preceding section have fallen to decay, and cannot be conveniently repaired, or are not calculated, if repaired, to afford any material accommodation to the public, the Board of Revenue shall submit to Government their opinion as to the most expedient mode of disposing of such buildings; and they shall be sold on the public account, or otherwise disposed of as the Governor in Council may determine.

Building: fallen to decay, or not calculated to be useful if repaired, how to be disposed of.

V. Under the foregoing rules it will be incumbent on the Board of Revenue to prevent any endowments in Land, or Money, which have been granted for the support of establishments of the above description, or any public edifices, from being converted to the private use of individuals, or otherwise misappropriated.

The Board to prevent endowments in land or money, and public edifices, from being appropriated by individuals to private uses.

VI. The general superintendence of all Escheats is likewise hereby vested in the Board of Revenue, who will, through the channel hereafter mentioned, inform themselves fully of all property of that description, and submit to Government their opinion as to the most expedient mode of disposing thereof, and the same shall be sold on the public account, or otherwise disposed of as the Governor in Council may determine.

The general superintendence of escheats vested in the Board of Revenue.

VII. To enable the Board of Revenue the better to carry into effect the duties intrusted to them by this Regulation, local agents shall be appointed in each zillah, subject to the authority, control and orders of that Board.

Local agents to be appointed, to enable the Board to carry into effect the duties hereby intrusted to them.

VIII. The collector of the zillah shall be ex officio one of those agents, and the Governor in Council, when he deems it necessary, will unite, and may appoint any other public officer or officers from the Civil, Military, or Medical Branch of the service, to act in conjunction with him.

The collector of the Zillah to be ex officio an agent, with such others as may be deemed expedient.

IX. Under the provisions of the present Regulation it will be the duty of the local Agents to obtain full information from the public records, and by personal inquiries, respecting all endowments, establishments and buildings of the nature of those before described, and respecting all Escheats, and to report to the Board of Revenue any instance in which they may have reason to believe that Lands or Buildings, or the Rent or Revenues derived from Lands, are unduly appropriated, being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

Such agents to ascertain the particulars of all endowments, buildings or escheats, and report to the Board of Revenue.

X. The said local Agents shall further ascertain and report to the Board of Revenue the names of the present Trustees, Managers, or Superintendents of the several institutions, foundations, or establishments above described, together with other particulars respecting them, and by whom and under what authority they have been appointed or elected, and whether in conformity to the special provisions of the original endowment, and appropriation by the founder, or under any general rules or maxims applicable to such institutions and foundations.

The agents to ascertain and report the names, &c. of the present trustees or managers of such institutions, and by what authority appointed.

XI. The local Agents shall also report to the Board of Revenue all vacancies and casualties which may occur, with full information of all circumstances, to enable that Board to judge of the pretensions of the person or persons claiming the Trust, particularly whether the succession has been heretofore by inheritance in the line of descent, or whether the successor has been in former instances elected, and by whom, or whether he has been nominated by the founder, or his heir or representative, or by any

The agents to report to the Board of Revenue all vacancies or casualties which may occur, with full information as to the pretensions of claimants.

other individual portion of the foundation, or by any officer or representative of Government, or directly by the Government itself.

The agents to recommend fit persons for the confirmation of the Board of Revenue, in cases wherein the right of nomination appertains to Government.

XII. In those cases in which the nomination has usually rested with the Government, or with a public officer, or in which no private person may be competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local Agents to propose, for the approval and confirmation of the Board of Revenue, a person or persons for the charge of Trustee, Manager, or Superintendent, strictly attending to the qualifications of the person or persons selected, and to any special provisions of the original endowments and foundation, and to the general rules or the known usages of the country applicable to such cases.

The Board to appoint such persons, or make such other provision for the Trust as they may deem fit, with reference to the conditions of the endowment.

XIII. On the receipt of the report and information required by the preceding Clause, the Board of Revenue shall either appoint the person or persons nominated for their approval, or shall make such other provision for the Trust, Management, or Superintendence, as may to them seem right and fit, with reference to the nature and conditions of the endowment, having previously called for any further information from the local Agents that may appear to them to be requisite.

Individuals deeming themselves injured by any orders passed under this Regulation, not precluded from suing for recovery of their rights, or for damages, in the manner prescribed in the Regulations.

XIV. Nothing contained in this Regulation shall be construed to preclude any individual who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the before-mentioned authorities, with respect to the appropriation of any Land or Buildings, or of any Rents and Revenues from Lands of the nature of those before described, from suing in the mode and form prescribed by the Regulations, where Government or public officers are parties, or under the general provisions of the Regulations, if the suit be brought against a competition, or other private person for the recovery thereof, in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him.

The object of this Regulation is solely to provide for the due appropriation of endowments granted, or buildings erected for public purposes.

XV. It is to be clearly understood, that the object of the present Regulation is solely to provide for the due appropriation of Lands or other endowments granted for public purposes, agreeably to the intent of the grantor, and not to resume any part of them, or of their produce, for the benefit of Government. In like manner it is fully intended that all buildings erected by any former or the present Government, or by individuals for the convenience of the public, should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay and cannot be conveniently repaired, or which can no longer contribute to the accommodation of the community.

Native servants, trustees, managers, or superintendents, guilty of fraud or embezzlement, how to be punished.

XVI. The legislative provisions now in force, or which may hereafter be enacted for the punishment of fraud or embezzlement in the native servants of Government employed under the Collector in the department of Land Revenue, shall be held applicable to all native servants, and to all Trustees, Managers, or Superintendents employed in, or charged with, the settlement, custody, or appropriation, of the Revenues, Funds, or other property of the public institutions referred to in this Regulation.

A. D. 1817. REGULATION VIII.

A REGULATION for expediting the trial of civil suits in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their rights, claims and interests. —Passed by the Governor in Council of Fort St. George, on the 9th December 1817; corresponding with the 26th Karteky of the year Eswara, 1739th year of Salewahan, and with the 29th Mohurram, 1233 Hijree.

Preamble.

WHEREAS the native officers and soldiers on the Military Establishment of the Presidency of Fort St. George are liable to be stationed at places remote from their homes and families: and whereas the impracticability of granting to such native officers and soldiers frequent or prolonged leave of absence from their military duties, has caused to them material difficulty and embarrassment in maintaining and recovering their just

just rights, claims and interests: and whereas the fidelity and courage exhibited by the native troops in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favourable consideration of Government; the Governor in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance and recovery of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice, and for the collection of the land-revenue, has enacted the following rules, to be in force from the period of their promulgation, throughout the territories dependent on the Presidency of Fort St. George.

II. Such parts of the Regulations in force as prohibit the Courts of Civil Justice from corresponding by letter with parties in depending suits, or direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts thereof as prohibit the Courts from furnishing copies of decrees, or from receiving *mokhtarnamahs* on any other paper than the prescribed stamped paper, are hereby declared to be subject to the modifications contained in the following Sections of this Regulation.

Provisions of certain regulations modified.

III. *First.*—Whenever a native officer or soldier on the Military Establishment of the Presidency of Fort St. George shall be desirous of instituting a regular or summary suit in any *zillah* or Provincial Court, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a *mokhtarnamah* or power of attorney, drawn up according to the Form No. 1, in the Appendix to this Regulation, authorizing and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

Native officers and soldiers may appoint attorneys to transact business for them in the Provincial and *Zillah* Courts.

Second.—Such *mokhtarnamah* shall not be required to be written on stamped paper, but shall be executed by the native officer or soldier in the presence of the Commanding Officer of the Corps or Detachment, to which he may belong, who shall countersign the same in testimony of its having been voluntarily executed.

The *mokhtarnamah* not to be on stamped paper.

Third.—The *mokhtarnamah* so executed is to be transmitted by the Commanding Officer under cover of a public letter, drawn up in the Form No. 2, of the Appendix, addressed to the Register of the Court in which the suit is to be instituted, and upon the receipt of such letter, a notice shall be issued by the Court for the purpose of procuring the attendance, either personally, or by a constituted *vakeel* of the person nominated in the *mokhtarnamah*.

The *mokhtarnamah* to be transmitted in a prescribed form by the commanding officer of the party, to the Court.

Fourth.—If such *mokhtar* shall refuse to attend the Court in person, or by a constituted *Vakeel*, or shall decline to undertake the Trust, or having undertaken it shall subsequently die, or be prevented by any sufficient cause from discharging the duty confided to him, the Court shall cause information of the same to be communicated to the native officer or soldier, by an extract from their proceedings enclosed in an official letter to be addressed to the Commanding Officer of the Corps.

If the person nominated decline, or be unable to act, information thereof to be communicated by the Court in a prescribed form.

Fifth.—If the appointed *mokhtar* shall attend the Court in person, or by a constituted *vakeel*, and shall consent to undertake the duty confided to him, the original *mokhtarnamah* shall be deposited in the Court, and shall form a part of the record of the cause. The suit shall be instituted, tried and determined, in conformity with the general rules in force for the institution and trial of other similar suits, provided, however, that in all cases where the native officer or soldier who may be the principal in the suit shall not be himself present at the time of its decision, an authenticated copy of the decree written on unstamped paper shall be transmitted by the Court to the Commanding Officer of the Corps or Detachment, for the purpose of its being communicated to the native officer or soldier.

The *mokhtarnamah* to be filed on receipt. The suit to be tried under the general regulations.

If the party be not present, copy of the decree how to be communicated to him.

Sixth.—It is hereby explained, that no part of the preceding Clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

These provisions not applicable to claims originating in loans or commercial transactions.

Rules to be observed with the view of obviating the necessity of ex parte trials in causes wherein native officers or soldiers are defendants.

IV. First.—For the purpose of ensuring the due communication to all native officers and sepoys of the summons or other notice of the institution of suits against them, so as to prevent, as far as possible, such suits from being brought to trial ex parte, it is hereby enacted, that in all such suits the plaint or petition of appeal shall contain a declaration that the defendant or respondent is a native officer or soldier, and all plaintiffs or appellants who shall knowingly and intentionally omit to make such statement, are hereby declared liable to be fined in such sum as the Court before whom such pleadings may be filed shall deem equitable, not exceeding one fourth of the institution fee or stamp-duty in each case; and it is further provided, that the plaintiff or appellant shall state in his plaint or petition of appeal, to the best of his knowledge or belief, the particular Regiment or Corps to which such native officer or sepoy may belong, or in the event of his being unable to specify the same, then it shall be the duty of the Court before whom the suit is filed to endeavour to ascertain the point.

A notice in the usual form to be transmitted to the commanding officer.

Second.—A notice in the usual form, together with a copy of the plaint or petition of appeal on unstamped paper, enclosed in an official letter, drawn up according to the Form No. 3, of the Appendix, shall be then transmitted by the Court to the Commanding Officer of the Corps, for the purpose of their being communicated to the native officer or soldier against whom the suit may have been instituted: a similar notice shall be issued, when omitted in the first instance, from ignorance of the defendant's being a native officer or soldier, attached to a regular Corps, if at any subsequent period during the trial of the suit it should appear to the Court that the defendant or respondent is a native officer or soldier as above described.

The Commanding Officer on receipt of the notice will cause it to be duly served.

Third.—The Commanding Officer shall, if practicable, cause the notice to be served on the party to whom it is addressed, and shall then return it to the Court from whom it issued, with the written acknowledgment of the party indorsed thereupon, together with the *mokhtarnamah*, according to the Form No. 1, in the Appendix, if the party should have appointed an attorney to defend the suit in his behalf. If from whatever cause the notice transmitted to the Commanding Officer cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the Commanding Officer to the Court from whom it had been received, with information of the cause which had prevented the service of it. In such case of non-service of process the Court shall make such further reference, or shall adopt such other measures in order to the due service of such process, as may appear to be proper and consistent with the Regulations.

The Court how to proceed if the notice cannot be served.

Communications to be made by commanding officers of leave of absence granted to native officers or soldiers, to enable them to conduct their own suits.

V. First.—When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the Zillah or Provincial Courts, he shall be furnished by the Commanding Officer of the corps or detachment, with an official letter addressed to the Register of the Court in which the suit is to be tried; such letter shall be drawn up according to the Form No. 4, of the Appendix to this Regulation, but it shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The Court authorized to nominate a *vakeel* on behalf of the native officer or soldier.

Second.—Such letter shall be delivered in person by the native officer or soldier to the Court, who are hereby authorized, at the request of the party, to nominate a *Vakeel* of the Court to aid in preparing the pleadings, and generally in conducting the prosecution or defence of the suit.—The Court shall at the same time cause the native officer or soldier to be duly apprized of the provisions contained in Regulation XIV of 1816, and in any other Regulation in force relative to the duties and established fees of pleaders, and of the necessity of conforming thereto in the event of his employing a pleader.

A native officer or soldier not prohibited from pleading in person, or appointing their own pleaders.

VI. Nothing contained in the preceding Section shall be construed to prohibit a native officer or soldier from pleading his cause in person, or from employing any authorized pleader of the Court, instead of applying to the Court to nominate a *Vakeel* to act on his behalf.

Suits instituted under this Regulation to be tried forthwith.

VII. First.—The Zillah and Provincial Courts are hereby authorized and required to bring to a hearing, without regard to the order in which they may be filed, all suits in which a native officer or soldier who may have obtained leave of absence from his corps may be a party, and to pass a decision thereon as speedily as may be consistent with the due administration of justice.

Second.

Second.—If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the Court before whom the suit may be depending is hereby vested with a discretionary authority to grant to such native officer or soldier an extension of his leave of absence for a period sufficient to admit of a reference being made to the Commanding Officer of the corps for the purpose of ascertaining whether the furlough can be prolonged for any further specific period.—But whenever a judge or register may exercise the discretionary power above vested in him he shall be careful to make the reference immediately in an official letter to the Commanding Officer of the corps to which the native officer or sepoy may be attached.

The Court may extend the officer's or soldier's leave of absence under certain rules.

Third.—A native officer or soldier returning to his corps before a final decision has been passed in his suit shall be at liberty to leave the further conduct of the suit either to a mohhtar, duly constituted under a mokhtarnamah executed according to the Form No. 1, in the Appendix to this Regulation, or to one or more of the established pleaders of the Court empowered to act for him by a regular vakalutnamah.

Native officers or soldiers quitting the court station before the determination of the suits, may appoint attorneys in their behalf.

Fourth.—Whenever any Land, or other real property belonging to a native officer or Soldier, may be attached by a court of justice for the purpose of realizing the amount of any judgment, fine or penalty imposed on such native officer or soldier, the Court shall cause notice of the same to be issued in the manner prescribed in Clause Second, Section IV, of this Regulation, and shall postpone the sale for such definite period as may appear reasonable for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine, or penalty.

Notice to be given whenever land or other real property belonging to a native officer or soldier is attached by Court.

IX. First.—Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the Presidency of Fort St. George, shall be at liberty to notify to the collector the rank which he may hold, and the designation of the corps to which he may be attached. A record of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate of a native officer or soldier, who may have made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the Commanding Officer of the corps, drawn in the form prescribed in No. 5, of the Appendix to this Regulation, and shall enclose in such letter a written notice, signed and sealed by himself, and attested by the principal native officer on his establishment, specifying the amount of the arrear, and the date on which it became due, and requiring that it be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Proprietors of malguzaree estate being native officers or soldiers, may register themselves as such on application to the collector.

Collectors how to proceed if such limited property become liable to sale for an arrear of revenue.

Second.—The Commanding Officer of the corps shall acknowledge to the collector the receipt of his letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

The Commanding Officer how to proceed on receiving the collector's notice.

Third.—If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the Board of Revenue, transmitting at the same time a copy of the notice, and of his correspondence with the Commanding Officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

X. First.—Nothing contained in this Regulation shall be construed to authorize the Commanding Officer of any corps or detachment to correspond with the Civil Courts or with the collectors, regarding the merits of any judgment, or order, passed by those authorities respectively under the provisions of this Regulation.

Commanding officers not to correspond with Courts on the merits of cases.

Second.—Nothing contained in this Regulation shall be construed to modify, or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be camp-followers, or non-combatant retainers of the army, or who may be relations, or members of the family of a native officer or soldier, may be parties: the foregoing provisions of this Regulation are to

This Regulation not applicable to irregular Troops.

be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps, and on the actual strength of the army, on the establishment of the Presidency of Fort St. George.

APPENDIX.

FORM No. 1.

I, A. , inhabitant of village talook in the district of
son of of the cast of at present [here specify his
rank] of the Battalion of the Regiment, stationed at , having
occasion to institute [or defend] an action for* do hereby nominate and
appoint C. D. † to be my attorney [or mokhtar], and I bind myself to abide
by whatever he, the said attorney, may do in my behalf in the prosecution ‡ [or
defence] of the said suit.

The said attorney will either prosecute [or defend] the suit in person, or will appoint one or more of the authorized vakeels of the Court to prosecute [or defend] the same under the instructions of the said attorney, as he may think proper.—In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed)

Executed in my presence,

Comp. Detachment, or Bat. of Regt.

* Here insert briefly the nature and object of the suit, and the name of the adverse party or parties.

+ Here insert the name, place of residence, cast, and his relationship (if any) to the native officer or soldier.

1. As the case may be.

FORM No. 2.

To

Register of the Court of

SIR,

In conformity with Clause Third, Section III, Regulation VIII, 1817, I have the honour to transmit to you a power of attorney duly executed in my presence by A. B. son of C. D. of the cast of inhabitant of Officer or Sepoy [as the case may be,] of the Battalion Regiment.

I am,
Sir, &c.

Comp. Bat. Regt.

FORM No. 3.

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Commanding the Battalion Regt. at

SIR,

In conformity with Clause Second, Section IV, Regulation VIII, 1817, I have the honour to transmit to you the copy of a plaint filed in case No. in this Court, by against stated to be an officer [or sepoy] in the Corps under your command, together with a notice, which I request you will cause to be served on the said . You are requested to acknowledge the receipt of the notice, and to inform the Court whether it has been duly served on the above-named , or to state the reasons which may have prevented its being served on him.

I am,
Sir, &c.

Judge Dewanny Adawlut.

FORM No. 4.

To

Register,

Zillah, or City, or Provincial Court.

SIR,

In conformity with Clause First, Section V, Regulation VIII, 1817, I have the honour to inform you, that the bearer of this letter A. B. son of C. D. of the cast of , inhabitant of , Officer or Sepoy of the Battalion Regiment, &c. has obtained permission to be absent from his Corps for the period of months, for the purpose of instituting [or defending] a suit in the Zillah or Provincial Court of

I am,

Sir, &c.

Comdg. Bat. Regt.

FORM No. 5.

To

Commanding Officer of the Bat. Regt.

SIR,

I have the honour to inform you that the right of [A. B.] in the village [or estate] of , is about to be sold on account of arrears of public revenue for the year

In conformity with Clause First, Section IX, Regulation VIII, 1817, I herewith enclose a written notice to be communicated to , said to be an Officer [or Sepoy] in the Corps under your command, and who is alleged to be the proprietor [or sharer] of the village or estate in question.

You are requested to acknowledge the receipt of this letter, and to state, on what day the notice may have been communicated by you to the said , or the circumstances which may have rendered it impracticable to make such communication.

I am,

Sir, &c.

Deewanny Adawlut, Judge.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*,
in the Year 1817.—No. I to VII.

A. D. 1817. REGULATION I.

A REGULATION for annexing to the Zillahs of Kaira and Surat, the Pergunnahs Tuppa and Villages in Guzerat, formerly composing part of the territories of His Highness the Guycowar, and ceded to the Honourable East India Company in exchange for the Pergunnah of Beejapoor.—Passed by the Right Honourable the Governor in Council, on the 23d April 1817, corresponding with the 7th Vaisack Sood Sumbut, or Vekramajet Era 1873; Salbahan 1739; and 5th Jumadeeool Akhir 1232 of the Hijeree.

Preamble.

WHEREAS the Pergunnah of Cupperwunge, Tuppa of Bahlej, Villages of Sundana, Antrooly, Vasne, and Kurnej, north of the River Myhie, and the Pergunnah of Currode, south of the River Tapee, have been ceded to the Honourable the East India Company in full sovereignty by His Highness the Guycowar, in exchange for the Pergunnah of Beejapoor, north of the Myhee: and whereas it has been judged advisable to annex such part of the cession which is situated north of the River Myhie to the Zillah of Kaira, and such part thereof as is situated to the south of the River Tapee to the Zillah of Surat, the following rules have been enacted.

The Pergunnah of Cupperwunge, Tuppa of Bahlej, and villages of Sundana, Antrooly, Vasne, and Kurnej, annexed to Kaira, and the Pergunnah of Currode to Surat, and the laws and regulations extended to them.

II. The Pergunnah of Cupperwunge, Tuppa of Bahlej, and Villages of Sundana, Antrooly, Vasne, and Kurnej, situated north of the River Myhee, shall be annexed to the Zillah of Kaira, and the Pergunnah of Currode, situated south of the River Tapee, shall be annexed to the Zillah of Surat, and the Laws and Regulations established for the internal administration of those Zillahs are hereby declared to be in full force and effect in the afore-mentioned cession from the 5th of June 1816, being the date from which the authority of the British Government has effect in those territories.

Civil Courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 5th June 1801.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the afore-mentioned Cession, the cause of action in which may have originated previously to the 5th day of June 1804, being a period of twelve years antecedent to the said Cession.

The operation of Regulation III, 1814 limited to 5th June 1816.

IV. The operation of Regulation III. A. D. 1814 is limited to the 5th of June 1816.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 5th June 1816.

V. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the 5th day of June 1816, the date of Cession.

A.D. 1817. REGULATION II.

A REGULATION for amending Regulation XIII, of 1815.—Passed by the Right Honourable the Governor in Council, on the 23d of July 1817, corresponding with the 10th First Shravan Sood Sumbut, or Vikramajet Era 1873; Salbahan 1739; and the 8th Ramzan 1232, Hijeree.

WHEREAS it has become necessary to explain and to modify some of the provisions of Regulation XIII, of 1815, the following enactment has been passed.

II. The following are the Articles which under Section III, Regulation XIII, of 1815, are to be exempt from duties, being the produce or manufacture of the United Kingdom, if imported in British Register-ships, or Indian-built ships, trading under the provisions of the Act 55 Geo. 3, cap. 116, viz. Copper, Iron, Steel, Lead, and all other Metals in an unmanufactured or manufactured state, including Cutlery, Table and Kitchen utensils, Trinkets composed wholly or chiefly of Metals, Locks, Bolts and Hinges, Scales and Weights, Clocks, Watches and Timekeepers, Nails of Iron and Copper, Hatchets, Hammers, Saws, and Ironmongery of all sorts, sheet Copper and sheet Iron, Wire of Iron, Brass, Steel, Silver or Gold, Lead in sheets, cast or rolled, Copper Pumps, Mathematical Instruments, Fire Engines, Tin Ware, Shot for fowling, Bellows, Braziers, and generally all others coming under the description of wrought or unwrought Metals.

Articles the produce of the united kingdom exempt from duties.

III. Section V. Clause First and Second, Regulation XIII, of 1815, are rescinded.

Section V. Clause First and Second of Regulation XIII, 1815, rescinded.

IV. *First*.—All Articles the produce or manufacture of the United Kingdom, not specified in Section II, (with the exception hereafter stated) on importation at the Port of Bombay, or at Subordinates, shall be charged with a duty of ($2\frac{1}{2}$) two and a half per Cent. to be adjusted according to the provisions established by Regulation VI, of 1799, or any other Regulation in force, being a reduction of 1 per Cent. from the duties payable prior to the promulgation of Regulation XIII, 1815.

$2\frac{1}{2}$ per cent duty to be levied on the articles the produce of the united kingdom.

Second.—All Articles the produce or manufacture of Foreign Europe, (with the exception of Wines and Spirits) on importation at the Port of Bombay, or at Subordinates, on British Register-ships, or Indian built ships trading under the provisions of the Act 55 Geo. III, cap. 116, and other subsequent Acts, shall be reduced from ($\frac{5}{8}$) five to ($3\frac{1}{4}$) three and a half per Cent., being the rate of duty levied prior to the promulgation of Regulation XIII, 1815.

And $3\frac{1}{4}$ on those of Foreign Europe.

V. The provisions of Section VII, as to Goods that shall have paid the established duties at any Port subject to the Company's Government in India not being liable to further duties on their transit from Port to Port within the said Territories, are hereby extended to all Goods, whether European or other, on the production of the prescribed Certificate, and provided such Goods be imported according to the provisions of the Act of Parliament, regulating the direct and circuitous trade between the United Kingdom and India.

Part of Section VII, exempting goods that have paid duties at any British port, extended to all goods whether European or other.

VI. The drawback provided for in Section VIII, Clause First, Regulation XIII, 1815, shall be allowed on Indigo, the produce and manufacture, not only of the Territories immediately dependent on the Presidency of Bombay, but also of British India, generally.

The drawback on indigo allowed on the produce of British India generally.

VII. The drawback provided for in Section X, Regulation XIII, of 1815, is hereby declared to extend to all Goods, the produce or manufacture of any Foreign Settlement in Asia, imported into Bombay or Subordinates, and afterwards exported to the United Kingdom.

And extended to all goods the produce of Asia.

VIII. The concluding sentence of Section XII; viz. "or any established system which may not have yet been promulgated in a Regulation," is hereby annulled.

Part of Section XII, annulled.

IX. This Regulation to have effect from the 1st of August 1817.

Regulation to have effect from 1st August 1817.

A Tariff of the Duties on the Trade between the United Kingdom and India, payable at Bombay on the Prime Cost, attested upon Oath, and of the Drawbacks allowed on each Article of Commerce, under this Regulation.

IMPORTS:

	Duties.		
Anchors and Grapnels - - -	Free	Mahogany Plank - - -	3½ per cent.
Articles for Wearing Apparel, not of Woollen manufacture - - -	2½ per cent.	Mangles, or Hackles of Iron - - -	Free
Beads - - - - -	ditto	Marble Slabs and Tiles, British - - -	2½ per cent.
Beer - - - - -	ditto	Masts, Spars, and Oars, ditto - - -	Free
Bellows - - - - -	Free	Mathematical Instruments - - -	ditto
Bird Shot - - - - -	ditto	Medicines - - - - -	2½ per cent.
Blacking and Brushes - - -	2½ per cent.	Musical Instruments - - -	ditto
Brass Leaf and Orsidue - - -	3½ ditto	Nails of Iron or Copper - - -	Free
Brass Work and Ware - - -	Free	Oils, British - - - - -	2½ per cent.
Broad Cloth - - - - -	ditto	Oils, Foreign - - - - -	3½ ditto
Brazery - - - - -	ditto	Ochre - - - - -	2½ ditto
Busts and Figure Heads - - -	2½ per cent.	Opium - - - - -	3½ ditto
Camblets - - - - -	Free	Paint and Paint Brushes - - -	2½ ditto
Canes and Rattans - - - -	2½ per cent.	Perfumery - - - - -	ditto
Canvas - - - - -	Free	Piece Good - - - - -	ditto
Carriages and Conveyances - -	2½ per cent.	Pictures, British - - - -	Free
Carpets, of Woollen manufacture -	Free	Pimento - - - - -	ditto
Chalk - - - - -	2½ per cent.	Pitch and Tar, Foreign - - -	ditto
Clocks, Watches, and Timekeepers	Free	Pitch, British - - - - -	Free
Coals - - - - -	2½ per cent.	Plate, and Plated Ware - - -	ditto
Cochineal - - - - -	3½ ditto	Printed Cotton and Calicoes - -	2½ per cent.
Coffin Furniture - - - - -	Free	Quicksilver - - - - -	3½ ditto
Confectionery and Sweetmeats -	2½ per cent.	Red and White Lead - - -	2½ ditto
Copper, of every description - -	Free	Saddlery - - - - -	ditto
Copper Pumps - - - - -	ditto	Saffron - - - - -	3½ ditto
Coral - - - - -	3½ per cent.	Seeds, of sorts - - - - -	2½ ditto
Cordage - - - - -	Free	Shawls, Woollen manufactures -	Free
Corks - - - - -	2½ per cent.	Ship Chandlery - - - - -	ditto
Cotton Screws, Iron - - - -	Free	Soda Water - - - - -	2½ per cent.
Cotton Yarn and Thread - - -	2½ per cent.	Spirit of Turpentine - - -	ditto
Crystal Ware - - - - -	ditto	Stationary and Books - - -	ditto
Cutlery and Hardware - - -	Free	Steel, British - - - - -	Free
Cyder and Perry - - - - -	2½ per cent.	Steel, Swedish or Foreign - -	3½ per cent.
Earthenware - - - - -	ditto	Tallow, British - - - - -	2½ ditto
Estables - - - - -	ditto	Timber and Plank - - - -	3½ ditto
Empty Bottles - - - - -	ditto	Tin - - - - -	Free
Engravings, British - - - -	ditto	Tin Plates and Tin Ware of every description - - - - -	ditto
Filtering Stones, ditto - - -	ditto	Tobacco and Snuff, British manufacture - - -	2½ per cent.
Flint Stones - - - - -	ditto	Tobacco Pipes, ditto - - -	ditto
Fire and Garden Engines - - -	Free	Toys of Iron or Tin - - -	Free
Furniture, Household - - - -	2½ per cent.	Types - - - - -	ditto
Glass, and Glass-ware of every description - - - - -	ditto	Trinkets, composed wholly or chiefly of metals - - - - -	ditto
Gold and Silver Lace - - - -	Free	Turpentine - - - - -	3½ per cent.
Gold Leaf - - - - -	ditto	Vegetable Syrup - - - - -	2½ ditto
Guns and Pistols - - - - -	ditto	Verdigris - - - - -	ditto
Gunpowder - - - - -	2½ per cent.	Vinegar - - - - -	ditto
Hammers, Hatchets and Saws -	Free	Weights and Scales - - - -	Free
Horse Hair - - - - -	2½ per cent.	Wire of Iron, Brass, Steel, Silver and Gold - - - - -	ditto
Jewellery - - - - -	Free	Wines and Spirits - - - -	3½ per cent.
Iron, of every description, British -	ditto	- - - Ditto - - - subject also to the following Duties of Excise under the provisions contained in Regulation I, of 1813, and XI, of 1815, viz.	
Iron, Swedish or Foreign - - -	3½ per cent.		
Iron Butts, Hoops, Rivets and Sheet	Free		
Iron Cables - - - - -	ditto		
Iron Chains - - - - -	ditto		
Iron Chests - - - - -	ditto		
Iron Kettle - - - - -	ditto		
Iron Knives - - - - -	ditto		
Ironmongery, and Iron-work of every description - - -	ditto		
Iron, Plate, or Wrought - - -	ditto		
Kitchen Utensils - - - - -	ditto		
Lace, British - - - - -	2½ per cent.		
Lace, Foreign - - - - -	3½ ditto		
Lacquered ware, not metal - -	2½ ditto		
Lanterns - - - - -	Free		
Lead, in Sheets, cast or rolled -	ditto		
Leather, of sorts - - - - -	2½ per cent.		
Lines and Twine - - - - -	Free		
Locks, Bolts, and Hinges - - -	ditto		

Drawback on
Excise duty. re-exportation.

On all Wines imported for consumption into the Island of Bombay - 120 galls. }
Wines of every description in bottle, per doz. quarts } Half a rupee } In full.
Cordials, ditto pints - six rupees }
On all Brandies, Rum, Gin, and other description of spirituous liquors, imported as above - } Half a rupee per gallon, if exported before 2 months after date of importation.

EXPORTS:

	Duties.	Drawback.
Alkali - -	3½ per cent.	1 per cent.
Aloes - -	ditto	ditto
Arsenic - -	ditto	ditto
Assafoetida - -	ditto	ditto
Barilla - -	ditto	ditto
Brazil Wood - -	ditto	ditto
Benjamin - -	ditto	ditto
Buffaloes Horns - -	ditto	ditto
Camphire - -	ditto	ditto
Canes and Rattans - -	ditto	ditto
Cardamoms - -	ditto	ditto
Cinnamon, Cassia, and Cassia Buds - -	ditto	ditto
Copal - -	ditto	ditto
Cloves - -	ditto	ditto
Coffee - -	ditto	ditto
Cornelians - -	ditto	ditto
Cotton, from Guzerat, on a fixed valuation of rupees 120 per Surat Candy - -	Inland and Sea	In full.
Cotton, from Cutch and Scind, rupees 105 per ditto - -	Customs not to exceed 5 per cent. on these rates.	
Cotton, from Malabar and Canara, rupees 105 per ditto - -	3½ per cent.	
Coculus Indicus - -	ditto	1 per cent.
Eatables - -	ditto	ditto
Ebony Wood - -	ditto	ditto
Elephants' Teeth - -	ditto	ditto
Fans - -	ditto	ditto
Galls - -	ditto	ditto
Gamboge - -	ditto	ditto
Ginger - -	ditto	ditto
Galangall - -	ditto	ditto
Gums and Drugs - -	ditto	ditto
Hemp and Sunn - -	ditto	In full.
Indigo, British Territories - -	ditto	ditto
Indigo, Native States - -	ditto	ditto
Jewellery - -	Free.	
Lac, of sorts - -	3½ per cent.	1 per cent.
Mace - -	ditto	ditto
Mother of Pearl Shells - -	ditto	ditto
Madder - -	ditto	ditto
Musk - -	ditto	ditto
Myrrh - -	ditto	ditto
Nankeens - -	ditto	ditto
Nutmegs - -	ditto	ditto
Oils, of sorts - -	ditto	ditto
Olibanum - -	ditto	ditto
Pearls and Precious Stones - -	Free.	
Pepper - -	3½ per cent.	1 per cent.
Piece Goods - -	ditto	ditto
Raw Silk - -	ditto	ditto
Rhubarb - -	ditto	ditto
Rose Water - -	ditto	ditto
Sago - -	ditto	ditto
Sandal Wood - -	ditto	ditto
Saltpetre - -	ditto	ditto
Seeds, of sorts - -	ditto	ditto
Sea-Cow, and Sea-Horse Teeth - -	ditto	ditto
Seuna - -	ditto	ditto
Shawls - -	ditto	ditto
Sugar - -	ditto	ditto
Timber and Plank - -	ditto	ditto
Tin - -	ditto	ditto
Tortoise Shell - -	ditto	ditto
Turmeric - -	ditto	ditto
Wax - -	ditto	ditto
Wines and Spirits - -	ditto	ditto

The following Articles subject also to Town Duty under the provisions contained in Regulations I, of 1803, and I, of 1810 :—

	Duties.	Drawbacks.
Cotton, per Surat Candy - -	One Rupee,	In full.
Oil, (except that in use for culinary purposes,) Shawls, Sugar, Piece Goods, China Silks, Nankeens, Rose Water, Sandal Wood, Saltpetre, Black Pepper, Cardamums, Mace, Cloves, Nutmegs, Cinnamon and Cassia - -	4 per cent.	In full.

Errata.—In Section XI, Regulation XIII, of 1815, for “ Clause VIII, Section “ III, Regulation VI, of 1799, Clause V, Regulation I, of 1803, and Clause X, “ Regulation I, of 1805 ;” read Section VIII, Clause III, Regulation VI, of 1799 ; Section V, Regulation I, of 1803 ; and Section X, Regulation I, of 1805.

A. D. 1817. REGULATION III.

A REGULATION to explain and amend Regulation IX, 1815, made by the Right Honourable the Governor in Council on the 6th of September 1815, respecting a certain tax on houses on the Island of Bombay, situated beyond the limits of the Town, and on the Island of Coolaba; which tax was imposed by the Order and under the Authority of the Right Honourable the Governor in Council, on the 20th January 1813, and confirmed by the Statute of the 54 Geo. III. c. 105:—Passed by the Governor in Council, on the 30th July 1817, corresponding with the 2d First Shravan Vud, Sumbut or Vikramajet Era, 1873, Salbahan 1739, and the 15th Ramzan, 1232 Hijeree.

Preamble.

WHEREAS by a Statute passed in the 54th year of His present Majesty King George the Third, intituled, "An Act to remove doubts as to the duties and taxes heretofore imposed and levied under the authority of the several Governments in the East Indies," it is enacted, that all duties, customs, and other taxes heretofore made or imposed, as well upon British subjects as foreigners, and other persons whomsoever, by the orders or under the authority of the Governor in Council of Bombay, within the Town and Island of Bombay, and upon all persons whomsoever, resident or being therein, and in respect to all goods, wares, merchandizes, commodities and property whatsoever, also being therein, and also upon all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within the authority of the said Government, and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place; and also all orders and regulations for the imposition, levying, raising or recovering any such duties of customs or other taxes, or in any way relating thereto, and all fines, penalties and forfeitures heretofore imposed or levied by or under the authority of such Governor in Council, for the non-payment of such duties or taxes, or for the breach of any laws or regulations theretofore made by such Governor in Council, respecting such duties and taxes, shall be and the same are thereby confirmed, and shall be deemed to be as valid and effectual, to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations and usages under which any such duties, taxes, fines, penalties and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act, made in the last session of Parliament, intituled, "An Act for continuing in the East India Company for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter," any Act or Acts of Parliament or law to the contrary thereof, in anywise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered; and all penalties and forfeitures for any breach of any such rules and regulations, in relation to any such duties and taxes, shall and may be sued for, recovered and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred or arisen after the passing thereof: And whereas by the said recited Act the Governor in Council may make laws and regulations respecting such duties and taxes, and impose fines, penalties, and forfeitures for the non-payment of the same, or for the breach of such laws and regulations: And whereas a tax of five per cent. on the annual rent of all dwelling-houses on the Islands of Bombay and Coolaba, situated beyond the limits of the Town of Bombay, was imposed by the orders and under the authority of the said Governor in Council, on the 20th of January 1813: And whereas it is necessary to explain and amend Regulation IX, 1815, for the collection of the tax aforesaid, the following Regulation is accordingly made by the Right Honourable the Governor in Council, and from and after the publication of this Regulation the aforesaid tax shall be assessed, levied and paid, according to the rules and provisions herein prescribed, any thing in any former Regulation to the contrary in anywise notwithstanding.

Tax by whom to be collected.

II. The tax shall be collected annually by the collector of Bombay.

III. An

III. An assessor shall be appointed by the Governor in Council, who shall make an assessment on dwelling-houses of every description on the Island of Bombay, beyond the limits of the Town of Bombay, and on the Island of Coolaba, save and except those hereafter excepted by this Regulation, the annual rent or value of which shall be estimated by the said assessor at twenty rupees and upwards, at the rate of five per cent. on such annual rent or value; and where two or more houses, the annual rent or value of each or either of which shall be estimated by the said assessor below twenty (20) rupees, shall belong to the same owner, the said assessment shall be made at the rate above stated on the aggregate annual rent or value of such houses, provided the said aggregate annual rent or value shall amount to twenty rupees and upwards.

An assessor to be appointed by Government.

Rate of assessment.

IV. All religious edifices are hereby declared to be exempt from the payment of the said tax.

Religious edifices exempted from the tax.

V. All temporary houses, bungalows, or other temporary buildings, situated within the limits of military cantonments, and occupied by European and Native Officers, or by the soldiers and sepoys of His Majesty's and the Company's army, shall be exempted from the payment of the said tax.

Temporary dwellings occupied by the military, within the limits of cantonments exempted.

VI. Owners of houses which shall be unoccupied or uninhabited for three successive months or upwards in any year shall, on proof of the same to the assessor, be allowed a proportional abatement of the assessment on the said houses for the said year; such abatement to be refunded at the end of the year, or carried to the credit of the following year's assessment on the said houses, at the option of the owner.

Houses unoccupied for three months and upwards, allowed a proportional abatement.

VII. The collector of Bombay shall appoint a native receiver or receivers to collect the tax annually, according to the assessment; and no person shall be capable of holding the said office of receiver till he shall have given such security for the due performance of his office as the said collector shall require.

Native receivers to collect the tax to be appointed on giving security.

VIII. *First.*—The assessor and receivers of the said tax, previously to entering upon the execution of their several duties, shall respectively take and subscribe the following oath:

Oath to be administered to the assessor and receivers.

"I, A. B. appointed to assess [or collect] the house-tax for the Island of Bombay, beyond the limits of the town, and for the Island of Coolaba, do swear, that I will assess [or collect] the tax on the houses of the said Islands, beyond the limits of the said town, fairly and impartially, according to the rules prescribed in this Regulation, and that I will make a true return of the same [pay over and render a true account of the same] to the collector of Bombay.

Second.—If any person appointed to be a receiver should be of a rank or cast to entitle him to an exemption from taking an oath, he shall make and subscribe a solemn declaration to the same effect.

Declaration to be made by the receivers, if exempted by rank or cast from taking an oath.

IX. The Assessor shall annually make and return to the collector of Bombay a new assessment on all the houses of the islands of Bombay and Coolaba, situated beyond the limits of the town, and not excepted by this Regulation, as early as practicable in each year; and public notice shall be given immediately after the assessment is made and returned as aforesaid, that the Assessor's books are open to public inspection for the period of one month from the publication of the said notice at the office of the collector of Bombay.

X. Any person who may be dissatisfied with the assessment made on his house or houses by the Assessor shall be at liberty to appeal to the Court of Petty Sessions; which Court is hereby authorized and required to confirm or reduce the said assessment in such manner as to them may appear to be equitable and just, and to certify the same to the collector of Bombay, who is to recover the amount so confirmed or reduced accordingly.

Appeal to lie to the Court of Petty Sessions.

XI. All appeals to the Court of Petty Sessions must be made by petitions in writing during the month in which the Assessor's books lie open for public inspection at the collector's office as aforesaid, and no further time shall be allowed for the presenting or receiving such appeal.

Appeals to be made by petitions.

Time for presenting them specified.

XII. The tax shall be collected by the native Receivers; and the said Receivers shall furnish the owner of the house or houses so assessed with a receipt for the amount

The collector authorized to levy the tax

by distress, in case of non-payment.

Overplus of the sale of effects to be rendered to the owner.

The tax to be exclusively appropriated to the repairs of the roads, &c.

Plans and estimates to be prepared by the Court of Petty Sessions, and submitted to Government.

amount of the said assessment, signed by the collector of Bombay; and in case of non-payment of the said assessment, or any arrears thereof, within eight days after demand of the same, the collector of Bombay is hereby authorized and required to levy the same, by warrant under his hand and seal, by distress and sale of the offender's goods and chattels, and the overplus of the money raised, after deducting the penalty and expenses of distress and sale shall be rendered to the owner.

XIII. This tax shall be exclusively appropriated to the purposes of watching, repairing, and cleaning the streets of the towns or villages situated beyond the limits of the town of Bombay; for the construction of drains; and for rendering the habitations of the natives in other respects healthy and comfortable. The plans and estimates of the improvements which may be necessary for these purposes being in the first instance prepared under the superintendence of the Court of Petty Sessions, and submitted to the consideration and approval of the Governor in Council.

XIV. *First*.—The following form of the warrant is to be observed in levying the tax by distress:

Form of Distress Warrant.

"Whereas in and by an assessment, made and assessed according to the Regulations in that case made and provided, on the owners of houses and buildings on the Island of Bombay, situated beyond the limits of the town of Bombay and on the Island of Coolaba, owner of house situate at beyond the limits of the said town, was duly rated and assessed for this present year in the sum of rupees being one twentieth part of the annual rent or value of the said house which he is the owner of as aforesaid: and whereas it duly appeareth, that the said sum of rupees has been lawfully demanded of the said by the space of eight days past and upwards, and that the said hath refused, and doth refuse, to pay the same; these are therefore to require you forthwith to make distress of the goods and chattels of him the said And if within the space of eight days next after such distress by you taken the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you detain the said sum of rupees and also your reasonable charges of taking, keeping, and selling the said distress; rendering to him the said the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant. Given under my hand and seal this day of in the year of our Lord 18

Collector of Assessment beyond the limits of the town."

Second.—The following certificate is to be affixed to the back of the warrant:

Certificate to be affixed to the warrant.

"This is to certify, that the sum of rupees being the twentieth part of the annual rent or value of the house situate at beyond the limits of the town, hath been demanded of the within-named by the space of eight days and upwards, and that he hath refused, and doth refuse, to pay the same, wherefore this warrant is issued to levy the amount.

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Collector of Assessment beyond the limits of the town."

Instruction for the native receiver to be also affixed.

Third.—The following Instruction is to be also affixed to the warrant, and addressed to the native Receiver, who is to execute it:

"You will proceed in execution of this warrant against and should the party, on your proceeding to execution, tender payment of the amount due by him as above specified, you will receive the same, and return this warrant to me without further proceedings.
"Given under my hand and seal this day of one thousand eight hundred and

(Signed) A. B.
Collector of Assessment beyond the limits of the town."

XV. The following is the form of the notice to be published of the assessment having been made, and of the return thereof being open for one month, for public inspection, at the office of the collector of Bombay:

Form of notice of the assessment having been made, and of the assessor's books being open for inspection.

NOTICE IS HEREBY GIVEN,

That the Assessor's book for the Island of Bombay beyond the limits of the town, and for the Island of Coolaba, containing the assessment on houses, made and assessed according to Regulation now lies open at the Bombay Collector's Office, and may be inspected from the of to the of by all persons concerned, every day (Sundays excepted) during the hours of business.

And notice is hereby further given, that no appeals against the said assessment will be received after the said of next; on or before which a written statement of every appellant's case must be forwarded to the Court of Petty Sessions: in failure whereof the assessment will be enforced according to the provisions of the Regulation aforesaid.

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Collector's Office,
of

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XVI. And whereas the assessment for the years 1816 and 1817 has been irregularly made, and requires to be reviewed and corrected, it is hereby enacted, that the Assessor shall forthwith make a new assessment for the said years, according to the rules prescribed in this Regulation; and as soon as the said assessment shall have been made, and returned to the office of the collector of Bombay, notice shall be given, and published according to the form prescribed in this Regulation, that the said books are and will continue open for public inspection for the space of one calendar month from the publication of the said notice; during which time all persons complaining of the said assessment shall be at liberty to appeal to the Court of Petty Sessions as already provided for; and all sums of money hitherto received by the collector of Bombay, on account of the said tax, shall either be refunded by the said collector to the persons who have respectively paid the same, or carried to the credit of the said respective parties for the said assessment so reviewed and corrected according to the provisions of the present Regulation.

A new assessment in the years 1816 and 1817 to be made.

A. D. 1817. REGULATION IV.

A REGULATION for authorizing the levy of certain fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India; and passed by the Governor in Council on the 6th day of August 1817, corresponding with the 9th First Shravan Vud, Sumbut or Vikramajet Era 1873; Salbahan 1739; and the 22d Ramzan, 1232 Hijeree.

WHEREAS it has been deemed expedient for the better support of the present system of Police, and for the discouraging of frivolous complaints, that certain fees or duties shall be levied in the Court of Petty Sessions, and in the offices of Magistrates of Police; be it therefore ordained, by the authority of the Right Honourable the Governor in Council with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India, that there shall be assessed, raised, levied and paid, the fees or duties contained in the following schedule, that is to say—

Preamble.

	Rs.	qr.	rs.	Rate of Fees to be paid in the offices of the magistrates of police and Court of Petty Sessions.
II. For every complaint instituted, when filed in the offices of the Magistrates of Police -	0	2	0	
For every complaint instituted, when filed in the Court of Petty Sessions -	1	0	0	
For summoning each party to answer before the Magistrates	0	1	0	
583.				For

For summoning each party to answer before the Court of Petty Sessions - - - - -	Rs. qr. rs.
For summoning each witness to attend in the office of the Magistrates; and for each person sworn, if the fee for summoning has not been paid - - - - -	0 2 0
For summoning in the Court of Petty Sessions; and for each person sworn, if the fee for summoning has not been paid - - - - -	0 0 50
For every recognizance for keeping the peace - - - - -	0 1 0
For every reference of any subject in dispute to a Cazeer, Muckadum of a cast, or other person or persons - - - - -	2 2 0
For every confirmation, or decision on the report given on such cases - - - - -	1 0 0
For every arbitration bond executed in the English or country languages - - - - -	0 2 0
For every voluntary affidavit - - - - -	2 2 0
For granting each certificate to the Commanders of ships on their arrival at and departure from the Port of Bombay, payable on the delivery of the role d'equipage of their vessels - - - - -	1 0 0
For every commission to a Patel, Mukedum, or Choglas of a cast - - - - -	5 0 0
For every passport issued by the senior Magistrate to Europeans - - - - -	1 0 0
	2 0 0

On what occasions the fees may be dispensed with.

III. Where the parties are unable to pay the expense of entering a complaint, or the charge of a summons, or other fee mentioned in the said table, the same shall not be levied; the Magistrate signing in the complaint-book, to be kept in the office, an entry containing the reason of such remission.

To be received by the clerk to the Court of Petty Sessions or other persons to be appointed by him.

IV. The Clerk of the Petty Sessions for the time being shall receive the whole fees above mentioned, and is hereby authorized and empowered himself to receive them, or to appoint, at each office of Police, some proper person, who shall receive the sums levied under this Regulation, and who shall be accountable to him for all such sums.

The clerk to the Court of Petty Sessions to furnish the Court and Government half yearly with an account; and to pay the balance into the Treasury for the benefit of the county fund.

Date from which this Regulation to have effect.

V. The Clerk of the Petty Sessions shall, half yearly, on the 1st day of January and the first day of July, furnish the Court of Petty Sessions with an account of the sums levied for the half year preceding, and pay the balance of such account into the hands of the Sub Treasurer for the benefit of the County fund; and the said Clerk of the Petty Sessions shall lay the said accounts before the Governor in Council, or His Majesty's Justices, whenever required.

VI. This Regulation is to have effect from the 1st of October 1817.

A. D. 1817. REGULATION V.

REGULATION for the levying and enforcing the payment of certain taxes on carriages and riding-horses; for the repair of the roads situated beyond the limits of the Town of Bombay; and for the construction of such others as may be necessary; made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India:—and passed by the Governor in Council on the 6th day of August 1817, corresponding with the 9th First Shravan Vud, Sumbut or Vikramajet Era 1873; Salbahan 1739; and the 22d Ramzan, Hijree.

Preamble.

WHEREAS by a statute passed in the 54th year of His present Majesty King George the Third, intituled "An Act to remove doubts as to the duties and taxes heretofore imposed and levied, under the authority of the several Governments in the East Indies," it is enacted, that all duties of customs and other taxes heretofore made or imposed, as well upon British subjects as foreigners and other persons whomsoever, by the orders or under the authority of the Governor in Council of Bombay, within the Town and Island of Bombay, and upon all persons whomsoever resident or being thereon, and in respect to all goods, wares, merchandizes, commodities and property whatsoever also being therein, and also upon all persons whomsoever, whether British-born or foreigners, resident or being in any country or place within

within the authority of the said Government, and in respect of all goods, wares, merchandizes, commodities and property whatsoever, being in any such country or place, and also all orders and regulations for the imposition, levying, raising or recovering any such duties of customs or other taxes, or in any ways relating thereto; and all fines, penalties and forfeitures heretofore imposed or levied by or under the authority of such Governor in Council for the non-payment of such duties or taxes, or for the breach of any laws or regulations theretofore made by such Governor in Council, respecting such duties and taxes, shall be, and the same are thereby confirmed, and shall be deemed to be as valid and effectual to all intents and purposes whatsoever, according to the true intent and meaning of the several orders, regulations and usages under which any such duties, taxes, fines, penalties and forfeitures have been imposed or levied, as fully and effectually as if the same had been imposed and made respectively under the provisions of an Act, made in the last Session of Parliament, intituled "An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the Trade to and from the places within the limits of the said Company's Charter," any Act or Acts of Parliament, or Law, to the contrary thereof in anywise notwithstanding; and all arrears of such duties and taxes may be demanded, levied, sued for, and recovered; and all penalties and forfeitures for any breach of any such rules and regulations, in relation to any such duties and taxes, shall and may be sued for, recovered and enforced under the provisions of the said recited Act, as fully and effectually as if the same had been imposed, made, incurred or arisen after the passing thereof: And whereas by the said last recited Act the Governor in Council may make laws and regulations respecting such duties and taxes, and impose fines, penalties and forfeitures for the non-payment of the same, or for the breach of such laws and regulations: And whereas a tax on wheeled carriages was established on the Island of Bombay, on the 9th of April 1784, by the Governor in Council for the time being, on the recommendation of His Majesty's Justices of the Peace, by which each and every vehicle of pleasure, whether running on four or two wheels, was taxed at rupees six per annum; and if kept for hire, at twelve rupees per annum; and each and every cart or carriage kept for goods, merchandize, and other purposes of the same nature, was taxed at rupees four per annum: And whereas by an Order of the Honourable the Governor in Council of Bombay, published on the seventeenth day of December one thousand eight hundred and eight, the aforesaid rates of tax on chariots, coaches, phaetons, curricles, buggies, bullock-hackeries and labour-carts, were modified, and ordered to have effect, and to be levied from the first day of January one thousand eight hundred and nine, at the following rates; viz.

	Rupees, per annum.
On each Chariot	20
- - - Coach	20
- - - Phaeton	20
- - - Curricle	10
- - - Buggy	10
- - - Bullock-Hackery, on two Wheels	15
- - - Labour-Cart	5
- - - Single horse pleasure-Hackery	15

And whereas by the said Order of the Honourable the Governor in Council, published on the said 17th day of December 1808, a tax was also imposed on horses at the following rate, viz.

	Rupees per annum.
Each and every riding-horse, with the exception of one riding-horse for each military officer	6

And whereas in consequence of the great improvements lately made in the public roads of the Island, and the construction of new roads, the produce of the aforesaid taxes has proved inadequate to the construction, improvement, and repair of the said roads, insomuch that it has become necessary, for the purposes aforesaid, to augment the aforesaid taxes, and to cause them to be levied at the rates hereinafter specified: And whereas it is expedient to impose certain fines, forfeitures and penalties for the non-payment of such duties and taxes; and also to provide for the appropriation of the said tax to the repairs and improvement of the public roads on the Island, in manner

manner hereinafter mentioned :—The Right Honourable the Governor in Council has made the following Regulation, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the Affairs of India :

Rates of tax to be levied on carriages, hackeries and riding-horses.

II. There shall be assessed, raised, levied and paid

	Rupees per annum.
On each and every four-wheel Carriage	- - - 40
- - - - - two-wheel Carriage	- - - 30
- - - - - single horse pleasure-Hackery	- - - 20
- - - - - bullock-Hackery	- - - 15
- - - - - labour-Cart	- - - 5
- - - - - riding-horse, with the exception of two riding-horses for each military officer	6

The engineer of the Court of Petty Sessions appointed assessor for. To be collected by the collector of Bombay.

III. The engineer officer attached to the Court of Petty Sessions shall be the assessor under this Regulation, and the tax shall be collected by the collector of Bombay quarterly, and paid into the Treasury as soon as received, subject to the appropriation hereinafter specified.

To be collected according to lists in writing of the No. of horses, hackeries and carts.

IV. The foregoing rates of tax shall and may be assessed, levied, and collected according to lists in writing of the number of horses, carriages, hackeries, and carts liable to the said duties, which shall be kept or used by any person or persons whatever; which lists shall be returned quarterly by the assessor for the time being to the Collector; and all persons liable to the said tax are hereby required to make a true return of all their horses, carriages, hackeries, and carts liable to the said duties to the said Assessor when required by him to do the same: and if any person shall fail to make a true return when so required, or shall voluntarily omit any horse or horses, carriage or carriages, hackery or hackeries, cart or carts, in such return as shall be made by him, then and in such case it shall and may be lawful for the said Assessor, and he is hereby required to surcharge every person keeping or using such horse or horses, carriage or carriages, hackery or hackeries, cart or carts, which shall not have been included in such return; which said surcharge shall be made after the rate of double the aforesaid duty for every carriage, horse, hackery or cart so omitted; and in case of non-payment of the said surcharge, or of the said assessment of the said duties or taxes, or any arrears thereof, within eight days after demand, the Collector of the revenues of Bombay is hereby authorized and required to levy the same, by warrant under his hand and seal, by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expenses of the distress and sale, shall be rendered to the owner.

The owners to make a return.

Punishment on failure.

The mode of recovery.

Owners selling any horses, &c. to be allowed an abatement.

V. The owner of any horse or horses, carriage or carriages, hackery or hackeries, cart or carts, who may sell, give away, or otherwise divest himself, bona-fide, of the property in any horse, carriage, hackery or cart, included in his quarterly return to the Assessor, as required by the fourth section of this Regulation, shall, on making a true statement of such divestiture to the said Assessor, on or before the next quarterly assessment, be allowed a proportional abatement of the assessment made on such horse, carriage, hackery or cart, for the aforesaid quarter in which he shall have so disposed of the same; and any person neglecting to make such statement during the period aforesaid shall be and is hereby declared liable to the whole assessment on such horse, carriage, hackery, or cart, for the said quarter in which he shall have so included them in his quarterly return to the Assessor; and all persons making false returns of divestiture aforesaid shall be liable to be surcharged after the rates prescribed in the preceding section.

The collector to keep a distinct account of his collections, and to lay the same before the Court of Petty Sessions; to be appropriated to the repair and improvement of the public roads.

The Court of Petty Sessions to lay before Government, plans and estimates of improvement, and to

VI. And the said collector is hereby required to keep a distinct and separate account of all monies so by him collected and paid into the treasury, under the title or head of "THE ROAD ASSESSMENT FUND," and of all monies paid, laid out, and expended on the construction, improvement or repair of the public roads, and to lay the same annually, and as often further as may be required, before the Court of Petty Sessions; and the said Court is hereby authorized and required from time to time to lay before the Governor in Council, for their approbation and consent, such plans of improvement in the aforesaid public roads, with estimates of the expense of executing them, as they may think necessary; and immediately after the said plans and estimates of improvement so submitted to the Governor in Council shall receive the consent and approbation of the Governor in Council, the said Court of Petty Sessions is hereby

hereby

hereby authorized and required to carry the said plans into effect, and to make such order on the said Collector for the disbursement of such sum or sums from the said road-assessment fund, as the said improvements may require; and the said Court of Petty Sessions is hereby further required to report to the Governor in Council all such repairs, amendments, alterations, constructions, or improvements, of all such roads, and of the expenditure of all such money as aforesaid.

carry the same into effect, and to make a report to Government.

VII. And it is hereby further ordained, that the whole of the said taxes so to be levied and paid as hereinbefore provided, shall be exclusively applied to the repair, and amendment and construction of the public roads on the island situated beyond the limits of the town of Bombay, under the inspection and subject to the control of the Court of Petty Sessions as aforesaid; provided always, that the said Court shall not be empowered to sanction the expenditure of any sum or sums of money under this Regulation beyond the established charges of the department, without the previous sanction of the Governor in Council.

Purposes to which the taxes are appropriated.

VIII. The following form of the warrant is to be observed in levying the warrant by distress:

Form of warrant in levying the warrant by distress.

First.—Whereas in and by an assessment, made and assessed according to the Regulation in that case made and provided, on the owners of horses, carriages, hackeries, and carts on the islands of Bombay and Coolaba, A. B. was duly rated and assessed for the quarter of the current year, in the sum of rupees being one fourth of the gross annual assessment on his of which he is the owner as aforesaid: and whereas it duly appeareth that the said sum of rupees hath been lawfully demanded of the said A. B. by the space of eight days past and upwards, and that the said A. B. hath refused, and doth refuse, to pay the same, these are therefore to require you forthwith to make distress of the goods and chattels of him the said A. B. and if within the space of eight days next after such distress by you taken the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale that you detain the said sum of rupees and also your reasonable charges of taking, keeping, and selling the said distress, rendering to him the said A. B. the overplus (if any be) on demand; and you are hereby commanded to certify to me what you shall do by virtue of this my warrant.—Given under my hand and seal this day of in the year of our Lord 18

Collector of Bombay.

Second.—The following certificate is to be affixed to the back of the warrant:

Certificate to be affixed to it.

This is to certify, that the sum of rupees , being the amount rated and assessed for the quarter of the current year on a of which A. B. is the owner, hath been demanded of the within-named A. B. by the space of eight days past and upwards, and that he hath refused, and doth refuse, to pay the same, wherefore this warrant is issued to levy the amount.

Bombay Collector's Office,

18

Collector of Bombay.

Third.—The following instruction is to be also affixed to the warrant, and addressed to the person who is to execute it:

Instruction to be affixed to it.

You will proceed in execution of this warrant against A. B. and should the party, on your proceeding to execution, tender payment of the amount due by him as above specified, you will receive the same, and return this warrant to me without further proceedings.

Given under my hand and seal this day of one thousand eight hundred and

Collector of Bombay.

IX. This Regulation is to have effect from the 1st of October 1817.

Date from which this Regulation to have effect.

A. D. 1817. REGULATION VI.

A REGULATION for annexing to the Zillahs of Salsette, Broach and Kaira respectively, the Territories in the Concan and Suoba or Province of Guzerat, formerly composing part of the Possessions of His Highness the Paishwa, which have been ceded to the Honourable East India Company; and for extending the Regulations applicable to the Zillah Courts in Guzerat, to the Zillah of Salsette.—Passed by the Right Honourable the Governor in Council, on the 27th August 1817, corresponding with the 1st Second Shravan Vud, Sumbut or Vikramajet Era 1873; Salbahan 1739; and the 13th Shaval 1232 Hijere.

Preamble.

WHEREAS by a Treaty concluded at Poona on the 13th day of June 1817, and ratified by His Excellency the Most Noble the Governor General in Council at Calcutta, on the 5th of the following month of July, His Highness Row Pundit Purdhan Bahadur has assigned and ceded in perpetuity to the Honourable East India Company, all the Territories and Rights in the Districts of Bailapoor, Autgong and Cullian, and all the Territories possessed by His Highness situated to the North of those Districts, as far as Guzerat, and lying between the Ghauts of the Syadree Mountains and the Sea; and all the Rights and Territories possessed by His Highness in Guzerat, with the exception of Ahmedabad, and Oolpar, and the annual payment due by the Guycowar: And whereas it has been judged advisable to annex these Territories to those Zillahs which from their vicinity can most conveniently exercise a jurisdiction over the new Cessions: and whereas it has been expedient to extend the Regulations for the Zillahs of Surat, Kaira, and Broach, to the Cessions aforesaid, the following Rules have been passed:

Cessions in the Northern Concan annexed to the Zillah Court of Salsette. To be denominated the zillah of the Northern Concan, and form a separate

II. *First*.—The districts of Bailapoor, Autgong and Cullian, and all the Territories situated to the North of those districts, as far as Guzerat, and lying between the Ghauts of the Syadree Mountains and the Sea, shall be annexed to the Zillah Court of Salsette, to be denominated the Zillah of the Northern Concan, and be constituted also a separate Collectorship.

The Regulations of 1799, which apply exclusively to Salsette, annulled.

The Laws and Regulations to have effect in the Northern Concan from the 5th of June 1817.

Jumboosier, Ahmood, Dejbara, Dubhoy, and Bahadurpoora, annexed to the zillah of Broach.

And the pergunnah of Sowlee to the zillah of Kaira.

The laws of Regulations to have effect

Second.—The Regulations of A. D. 1799, which apply exclusively to the Zillah Court of Salsette, are hereby annulled; and the Laws and Regulations established for the administration of Justice in the Zillahs of Surat, Broach and Kaira, are declared to be in full force and effect within the Zillah of the Northern Concan, from the 5th of June 1817; being the date from which the authority of the British Government has effect in the new Cessions.

III. The Pergunnahs of Jumboosier, Ahmood, Dejbara, Dubhoy and Bahadurpoora shall be annexed to the Zillah of Broach; and the Pergunnah of Sowlee, situated on the left bank of the River Muhee, shall be annexed to the Zillah of Kaira; and the Laws and Regulations established for the internal administration of those Zillahs are hereby declared to be in full force and effect in the afore-mentioned part of the Cessions situated in the Suoba or Province of Guzerat, from the 5th of June 1817.

from the 5th June 1817.

Civil claims originating prior to the 5th of June 1805, not cognizable by the Civil Courts.

Operation of Regulation III, 1814, limited to the 5th June 1816.

Crimes committed previous to the 5th June 1817, not cognizable by the Criminal Courts.

IV. The Courts of Civil Judicature shall not be deemed competent to take cognizance of Civil claims in any part of the above-mentioned Cessions, the cause of action in which may have originated previously to the 5th day of June 1805, being a period of twelve years antecedent to such Cessions.

V. The operation of Regulation III, A. D. 1814, is limited to the 5th day of June 1816.

VI. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence, which may have been committed in any part of the aforesaid territories, previously to the 5th day of June 1817, the date of Cession.

A. D. 1817. REGULATION VII.

A REGULATION for preventing the clandestine importation and sale of Tobacco, Ganza and Snuff, in the Islands of Bombay, Colaba, and Old Woman's Island; and for licensing the retailers thereof.—Passed by the Right Honourable the Governor in Council on the 27th of August 1817, corresponding with the 1st Second Shravan Vud, Sumbut or Vekramajet Era 1873; Salbahan 1739; and the 13th Shaval 1232 Hijree.

WHEREAS by an order of the Governor in Council of Bombay, dated 20th October 1810, the following duties were imposed on all tobacco, ganza and snuff, imported into the Town and Island of Bombay from thenceforward, in addition to and exclusive of the established three and a half per-centum customs of the port on the prime cost of these articles respectively, that is to say, on all tobacco, rupees (10½) ten and a half per Bombay maund; on Ganza, rupees (87) eighty seven per Bombay maund, and on snuff (of foreign manufacture) rupees (1) one per pound; which said several duties were and are confirmed by the statute of the 54 Geo. III, Cap. 105, intituled, "An act to remove doubts as to duties and taxes heretofore imposed and levied under the authority of the several Governments in the East Indies:" And whereas it is lawful for the Governor in Council to make Laws and Regulations respecting such duties, and to impose fines, penalties and forfeitures for the non-payment of such duties, or for the breach of such Laws or Regulations: And whereas, notwithstanding the Regulations already made to prevent the unlawful importing, and clandestine landing and running of tobacco, ganza and snuff, divers wicked and evil-disposed persons have of late carried on, and do still continue such pernicious and illegal practices, to the great diminution of the revenues, and to the manifest prejudice of the fair traders, insomuch that it is necessary some further provision should be made for effectually preventing the same;—the following Regulation has been enacted by the Right Honourable the Governor in Council, to be in force from the date of its promulgation.

II. When any ship, vessel, or boat, whose burthen does not exceed five hundred (500) candies, shall arrive, anchor, or come within any of the waters or ports of the Islands of Bombay, Colaba or Old Woman's Island, having any tobacco, ganza or snuff, on board, the owner, master, or other person in charge of the said ship, vessel or boat, shall, within twenty-four hours after the arrival of the said ship, vessel or boat within the said anchorage, make a report of the same to the Custom Master or Deputy Custom Master of Bombay, or the Assistant Custom Master at Mahim; and make a true entry in writing of all such tobacco, ganza and snuff, on board the said ship, vessel or boat, with the said Custom Master, his deputy or assistant; and all tobacco, ganza or snuff, found on board any such ship, vessel or boat, which shall not have been so reported and entered within twenty-four hours after such arrival, and all boxes, casks, or other packages in which the said tobacco, ganza or snuff, may be contained, together with all such ships, vessels or boats, shall be forfeited to the United Company of Merchants of England trading to the East Indies.

Entry to be made at the custom-house of the arrival of all vessels, not exceeding 500 candies burthen, having tobacco, ganza or snuff, on board, within 24 hours.

III. The Custom Master, his deputy or assistant, shall appoint a proper officer or officers to go on board every ship, vessel or boat in which any tobacco, ganza or snuff shall be imported, immediately after the same shall have been duly entered as aforesaid; which officer or officers shall mark, or cause to be marked, every box, case or other package of tobacco, ganza or snuff, with such mark as the Custom Master shall direct, and also with progressive numbers; and no box, case or other package of tobacco, ganza or snuff, shall be unshipped, landed or delivered from or out of any such ship, vessel or boat, before the same shall have been so marked; and when the same shall have been so marked, the importers, proprietors or consignees of such tobacco respectively, shall forthwith, in the presence of the aforesaid proper officer or officers, unship and land, or cause to be unshipped and landed, all such tobacco, ganza and snuff, and shall carry and convey the same, or cause the same to be carried and conveyed to and deposited in the Company's warehouse or warehouses, where the same shall be weighed by the proper officer of the customs, and an account taken of the same, and of the duties due thereon. And all tobacco, ganza

A custom-house officer to proceed on board the vessel, and to mark the bales and packages, previous to their being landed.

The tobacco, &c. to be deposited in the company's warehouse and an account taken of the duties.

All tobacco landed without being marked to be forfeited. ganza or snuff, which shall be landed without having been duly entered and marked as aforesaid, or without the presence of such officers as aforesaid, shall be forfeited.

No tobacco, &c. to be issued from the Warehouse, except for retail home consumption or re-exportation, nor until the duties are paid. IV. No tobacco, ganza or snuff, shall be delivered out of any of the Company's warehouses for any other purpose than home consumption by retail, or re-exportation, nor until the said duties shall be paid: and if the said duties shall not be paid within six months after the said tobacco, ganza and snuff, shall have been entered, landed and warehoused as aforesaid, the Custom Master, or his deputy, is hereby authorized and required to sell and dispose of so much of the said tobacco, ganza and snuff by public auction as may be sufficient to pay the said duties.

In case of the non-payment of the duties within a period of six months, so much of the tobacco, &c. to be sold as will cover the said duties.

A permit to be obtained previous to the delivery of the tobacco.

V. No tobacco, ganza or snuff shall be taken from or delivered out of such warehouse or warehouses, save and except for purpose of exportation as hereinafter provided, without a permit, signed by the collector of Bombay, and countersigned by the Custom Master or his deputy, specifying the name of the wholesale importer, proprietor or consignee, the quantity of tobacco, ganza or snuff, so permitted to be taken and delivered, and the person to whom the same shall be delivered, such permit to be in force from sun-rise to sun-set of the day on which it bears date, and no longer; and no person shall be qualified to take out such permit, and to remove such tobacco, ganza or snuff from such warehouse, who is not a licensed retailer of tobacco, ganza or snuff, according to the true intent and meaning of this Regulation; and no permit shall be granted to any such retailer for removing a greater quantity of tobacco, ganza or snuff, in one day, than ten maunds of tobacco, one maund of ganza and ten pounds of snuff.

Permit to be granted only to licensed retailers, and the quantity to be removed, limited.

Persons selling a less quantity of tobacco, &c. than 100 maunds, to be considered retailers, and to obtain a license from the Court of Petty Sessions.

VI. Any person or persons who shall sell or retail by him, her or themselves, or by any other person or persons whatsoever employed by him, her or them, or for his, her or their benefit, any tobacco, ganza or snuff, publicly or privately, in any less quantity than one hundred maunds, shall be deemed a retailer of tobacco, ganza or snuff, within the meaning of this Regulation; and no such retailer shall presume to sell or retail any tobacco, ganza or snuff, from and after the first day of October in the year 1817, without first taking out a license for that purpose from the Court of Petty Sessions upon pain of forfeiting for every such offence the sum of rupees two hundred: every such license to be in force for one year, and no longer.

Penalty.

License when to be renewed.

VII. Every retailer who shall take out such license as aforesaid is hereby required to take out a fresh license, ten days at least before the expiration of the first, and in the same manner to renew such license from year to year, on pain of being taken, deemed and considered an unlicensed retailer.

VIII. Every retailer of tobacco, ganza or snuff, shall fix, on some conspicuous part of the front of each warehouse, storehouse, shop, go-down, or other place in which he, she or they shall retail such tobacco, ganza or snuff, a board, on which shall be painted, at full length, such retailer's name, and immediately after or below such name the words "Licensed retailer of tobacco, ganza and snuff," on pain of forfeiting his, her or their license.

A return to be previously entered of all warehouses, and the quantity of tobacco, &c. deposited therein.

IX. Every retailer of tobacco, ganza or snuff, shall, before taking out or renewing such license as aforesaid, make a true and particular return or entry in writing of all warehouses, storehouses, shops, go-downs, or other places whatsoever, by him, her or them respectively used, or intended to be used, for the laying, keeping or retailing any of the said tobacco, ganza or snuff, to the collector of Bombay, and also of all tobacco, ganza or snuff, by whatever name or names they are or may be called, which, at the time of making such respective entries shall or may be in such warehouses, storehouses, shops, go-downs and other places, and every of them respectively, upon pain of forfeiting the sum of rupees two hundred for every such warehouse, shop, go-down and other place which shall be so made use of by such retailer, and double the amount of the duty for every maund of such tobacco, ganza and snuff respectively, which shall be concealed and not entered as herein directed, together with all such tobacco, ganza and snuff, which shall be found therein, or concealed as aforesaid, and all casks, boxes and packages containing the same.

Certificate to be granted by the collector of such warehouses, &c.

X. The Collector shall grant a certificate to all persons who shall make the entry above required, specifying the number of warehouses, storehouses, shops or go-downs that have been so entered, without which certificate no license shall be granted or renewed

renewed by the Court of Petty Sessions, and every license shall specify the number of warehouses, storehouses, shops, go-downs or other places contained in the aforesaid entry and certificate.

XI. The Court of Petty Sessions is hereby authorized and required to grant and renew such license to all persons applying for the same, on their producing the certificate above required; provided always, that the persons so applying have not been convicted of any breach of this Regulation, and thereby incurred the forfeiture of such license.

The Court of Petty Sessions to grant and renew the license, provided the persons applying have not been convicted of any breach of the regulation.

XII. Every licensed retailer of tobacco, ganza or snuff, shall make a true and particular return, on the first day of every month, to the Collector, of his, her or their monthly sales in every such warehouse, storehouse, shop or go-down respectively; showing the balance of stock for the preceding month remaining unsold, the receipts and sales of the current month, and the balance remaining on hand at the date of the return, upon pain of forfeiting his or her license for the neglecting to make such return, or for making a false return; and every person making a false return shall moreover forfeit all the tobacco, ganza and snuff in every such warehouse, storehouse, shop or go-down.

A return of the sales to be made monthly by the licensed retailers.

Penalty in case of a false return.

XIII. When the stock of any retailer shall at any time appear by his monthly return, or otherwise, to exceed three times the amount of the greatest quantity of Tobacco, Ganza or Snuff, for which permit can be granted according to the provisions of this Regulation, no further issue is to be made by the Custom Master on permit to such retailer, till his stock shall have been reduced so as not to exceed double the limit of the permit.

No further issue to be made if the stock on hand exceed a limited quantity.

XIV. The collector shall appoint a proper officer or officers to inspect, examine and take an account of all such tobacco, ganza or snuff, as shall at any time be in the custody of any retailer of tobacco, ganza or snuff; and it shall be lawful for the said officer or officers, from time to time and at all times, by day to enter into all and every the said warehouses, storehouses, shops, go-downs or other places made use of by any such retailer as aforesaid, and to inspect, examine and take an account of all tobacco, ganza and snuff there being; and if any such retailer as aforesaid shall in anywise prevent the said officer or officers from entering into his her or their warehouses, stores, shops, go-downs or other places, or any of them, to inspect, examine and take an account as aforesaid, or shall hinder or obstruct the said officer or officers in the discharge of such duty, the person or persons so offending shall for every such offence lose the sum of rupees four hundred.

The tobacco in the hands of the retailers to be inspected by officers to be appointed by the collector.

Forfeiture in case of hindrance or opposition to the inspectors.

XV. All tobacco, ganza and snuff, warehoused according to the provisions of this Regulation, shall be at all times open to the inspection of the importers, proprietors or consignees of such tobacco, ganza and snuff, on their making application to the Custom Master, his deputy or assistant, for liberty to inspect the same for the purpose of sale, transfer, exportation, or any other purpose not contrary to the true intent and meaning of this Regulation; and the Custom Master, his deputy and assistant, are hereby required to open the said warehouse or warehouses in which such tobacco, ganza or snuff may be lodged; and to keep the same open for a reasonable time, for such purpose as aforesaid, on every such application. Provided always, that it shall not be lawful for such importer, proprietor or consignee to remove any tobacco, ganza and snuff so warehoused, except by permit for home consumption by retail, or by certificate for exportation as hereafter provided.

The tobacco, &c. warehoused to be open to the inspection of the importer or proprietors.

But not to be removed without the permit.

XVI. A drawback will be allowed on all bona fide exportations of tobacco, ganza and snuff, provided always, that the same be exported to some port or place at least twenty leagues distant from any part of the Island of Bombay, such drawback to be the full amount of the import duties imposed on such tobacco, ganza and snuff respectively, save and except the duty of three and a half per centum, commonly called the import Custom-house duty.

Drawback to be allowed on exportation to Places twenty leagues distant from Bombay.

XVII. Every person desirous of exporting any tobacco, ganza or snuff, from Bombay to any such port or place as aforesaid, is hereby required to give notice of the same in writing to the Custom Master or his deputy, who, after weighing or causing to be weighed the tobacco, ganza or snuff so intended to be exported, and ascertaining the drawback thereon, shall grant a certificate to the owner or other person duly authorized to receive the same, that the said tobacco, ganza or snuff, is permitted to be exported; and shall deliver the said tobacco, ganza or snuff from the Com-

Previous notice to be given in writing of the Export.

Precautions for the delivery of the Tobacco, &c.

pany's warehouse or warehouses to such owner or other person duly authorized to receive the same, for the purpose of exportation, and upon such delivery of any such tobacco, ganza or snuff, for exportation, the same shall be forthwith carried or conveyed, by the owner or such persons as he shall appoint, attended by the proper officer or officers of the customs, on board such ship or vessel in which the same shall be intended to be exported.

Penalty if the Tobacco specified in the certificate be not exported, or be relanded, except in case of distress.

XVIII. If any tobacco, ganza, or snuff, specified in any such certificate, whereupon any drawback is to be made, shall not be really and bona fide shipped and exported (danger of the seas and enemies excepted), or shall be landed again, unless in case of distress to save the goods from perishing, which shall presently be made known to the Custom Master or Deputy Custom Master of the port or place where the said tobacco, ganza, or snuff shall be so relanded, then not only all such certificated tobacco, ganza, and snuff shall be forfeited, but also all the vessels, boats, horses, cattle, and carriages made use of in landing or carrying the same, and the person or persons relanding the same, or concerned therein, or to whose hands they shall knowingly come, or by whose privity they are relanded, shall forfeit treble the value of the drawback, one moiety thereof to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies, the same to be levied by distress and sale of the offender's goods or chattels, by warrant under the hands and seals of two or more of the justices of the said Court of Petty Sessions.

The forfeiture to be levied by distress, and how divided.

Tobacco, &c. where to be landed and warehoused.

XIX. And for the more effectual preventing the clandestine importation or sale of tobacco, ganza, and snuff, within the islands of Bombay, Colaba, and Old Woman's Island, it is hereby enacted, that all tobacco, ganza, and snuff imported into the Island of Bombay, shall be landed directly at the Custom-house Bunder, within the Fort of Bombay, or at the Musjed Bunder, and warehoused as already directed by this Regulation; and all tobacco, ganza, and snuff, imported or brought into the Island of Bombay by the causeway extending from Bombay to Salsette, or landed at any port or place in the Island of Bombay, save and except the aforesaid Custom-house and Musjed Bunders, or at any place whatsoever in the islands of Colaba and Old Woman's Island, shall be forfeited to the Company; provided always, that nothing herein contained shall prevent the carrying or conveying permitted tobacco, ganza, or snuff, by the ferry into Old Woman's Island, or thence into Colaba.

Tobacco otherwise landed to be forfeited.

Exception in favour of tobacco passing the Colaba Ferry.

The custom master to issue a warrant to search the premises in which smuggled tobacco may be deposited, on receiving information on oath.

XX. And for the more effectual discovering and deterring of clandestine importation or sale of any tobacco, ganza, or snuff, it is hereby enacted, that if any credible person shall give information on oath to the Custom Master of Bombay, or his deputy or assistant, or the collector of the said Custom House, that any such smuggled or clandestinely-imported tobacco, ganza, or snuff are so harboured, kept, and concealed in any ship, boat, or other vessel, or in any house, shop, cellar, warehouse, go-down, room, compound, field, garden, or any other place whatsoever, the said Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, before whom such information on oath shall be given, is hereby authorized and required to issue his warrant, under his hand and seal, to a constable, or other public officer, commanding the said constable or other public officer to whom the said warrant shall be so directed, to enter in the day-time any such ship, boat, vessel, house, shop, cellar, warehouse, go-down, room, compound, field, garden, or place, as may be specified in the said information, or pointed out by the said informer; and in case of resistance, to break open doors, chests, and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely-imported tobacco, ganza, and snuff, as shall there be found, and to secure the same in the Company's warehouse until the claimer of the same shall make proof before the said Court of Petty Sessions, or before the Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, that the said tobacco, ganza, or snuff, have been duly entered, landed, warehoused, and delivered out of warehouse by permit or certificate according to the provisions of this Regulation, and that the duties on the said tobacco, ganza or snuff have been paid or secured, provided such proof be made within ten days, in failure whereof the said tobacco, ganza or snuff shall be forfeited, one moiety to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies: and if any person whatsoever shall be convicted, upon his, her or their appearance, or default, upon the oath or oaths of one or more credible witnesses, or by the confession of the party before the Court of Petty Sessions, of knowingly harbouring, keeping or concealing, or knowingly permitting

The tobacco, &c. so seized, to be retained until proof be afforded of their having been duly entered, and the duties paid.

Forfeiture in case of proof not being given within ten days.

Persons convicted on oath of knowingly harbouring smuggled tobacco, &c. to be fined and the articles forfeited.

or

any person suffering to be harboured, kept or concealed, such smuggled tobacco, ganza or snuff, the party or parties offending therein, whether he she or they have or have not, or do or do not claim or pretend to have any property or interest in such tobacco, ganza or snuff so harboured, kept or concealed, shall for every such offence forfeit and lose all such tobacco, ganza and snuff so harboured, kept and concealed, and treble their value, one moiety thereof to the informer, and the other moiety to the United Company of Merchants of England trading to the East Indies, the same to be levied by distress and sale of the offender's goods or chattels by warrant under the hand and seal of two or more justices of the said Court of Petty Sessions.

Fine to be levied by distress, and how divided.

XXI. All tobacco ganza and snuff which shall be imported or brought into the islands of Bombay, Colaba or Old Woman's Island, in any manner contrary to the provisions of this Regulation, and all tobacco, ganza and snuff, found in the possession of any hawker, itinerant vender, or other unlicensed retailer, for the purpose of sale, or in any of the streets, roads, lanes, bunders or other places of the said Islands, without a permit, certificate, or proper officers as already provided, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of Merchants of England trading to the East Indies, together with the packages containing the same; and such tobacco, ganza or snuff respectively, and the packages containing the same, shall and may be seized by any officer or officers of the Custom-house, or of the Collector, or of the Magistrates of Police, who is and are hereby authorized and required to secure the same in the said Company's nearest warehouse or warehouses, until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, or before the Custom Master, Deputy Custom Master, or Assistant Custom Master, or Collector, or the Magistrates of Police, that the said tobacco, ganza and snuff have been duly entered, landed, warehoused and delivered out of warehouse by permit or certificate, according to the provisions of this Regulation, and that the duties on the said tobacco, ganza or snuff have been paid or secured; provided such proof be made within ten days, in failure whereof the said tobacco, ganza or snuff shall be forfeited, one moiety to the informer, the other moiety to the United Company of Merchants of England trading to the East Indies.

All tobacco, &c. landed or sold contrary to the Regulation to be seized and forfeited.

XXII. All forfeited tobacco, ganza and snuff shall be put up to public auction at the Custom-house, and offered to sale, and if no person shall offer or bid for the same more money than the customs and duties on the said tobacco, ganza and snuff taken together, and in such case, it shall and may be lawful to and for the Collector, assistant or deputy respectively, to cause the same respectively to be burnt or destroyed.

All forfeited tobacco, &c. to be put up to public auction, and burnt or destroyed if the price offered do not exceed the customs and duties.

XXIII. All fines, penalties and forfeitures imposed by this Regulation shall and may be sued for, recovered and enforced in the Court of Petty Sessions.

All fines, penalties, &c. to be sued for and enforced in the Court of Petty Sessions.

P A P E R S

RELATING TO

E A S T I N D I A A F F A I R S .

V I Z :

R E G U L A T I O N S

P A S S E D B Y T H E G O V E R N M E N T S

O F

B E N G A L , F O R T S T . G E O R G E , A N D B O M B A Y ,

I N T H E Y E A R

1818.

(Presented in pursuance of Act 53 Geo. III. cap. 155, Sect. 66.)

Ordered, by The House of Commons, to be Printed,
20 February 1821.

PAPERS RELATING TO

REGULATIONS Passed by the Governments of India in the Year 1818:—
Presented to the Honourable the House of Commons, in pursuance of an Act of
Parliament, 53 Geo. III. Cap. 155, Sect. 66 :—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1818;

N^o. I. to XIV.

Regulation.

I.—For establishing the office of Canoongoe, in the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore and Backergunge; and for extending to the said districts the operation of Regulation XII, 1817:— - - Passed on the 17th March 1818 - - p. 5

II.—For annexing to the zillah of Bundelcund the elakeh of Khundeh, appertaining to the pergunnah of Mahoba, together with certain villages belonging to the pergunnah of Choorkee, on the right bank of the Jumna, formerly composing a part of the territories of Nana Govind Row:—
Passed on the 31st of March 1818 - - ibid.

III.—For the confinement of State Prisoners:—

Passed on the 7th April 1818 - - - p. 7

IV.—For re-establishing the Dewanny Adawlut of the northern division of Scharunpoore:—

Passed on the 14th April 1818 - - - p. 9

V.—For the appointment of a Commissioner, to be vested with special powers in the administration of civil affairs in zillah Cuttack:— - - Passed on the 28th April 1818 - - - ibid.

VI.—For providing against the protracted confinement of persons charged with criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit, at the sudder stations of those Courts, with respect to persons committed or held to bail by the Magistrates, for trial at the periodical sessions of jail delivery:—
Passed on the 12th May 1818 - - - p. 11

VII.—For rescinding such parts of the existing Regulations as relate to the conduct of the trade of foreign Nations to the ports and settlements of the British Nation in the East Indies, and for better giving effect to a Regulation in that behalf, enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies:—

Passed on the 28th August 1818 - - - p. 13

VIII.—For rescinding part of Clause 6, Section II, Regulation LIII, 1803, for modifying some of the existing rules relating to the requisition of security for good behaviour, and for providing for a revision of the cases of certain classes of prisoners, detained in confinement, on failure to furnish security for their good behaviour and appearance:—

Passed on the 28th August 1818 - - - p. 15

IX.—For extending for a further period of five years the existing settlement in the conquered provinces, lying on the right and lefts banks of the river Jumna, with the exception of the southern division of the district of Seharunpoore, and in the territory ceded to the British Government by his Highness the Peishwah in Bundelcund, in all cases in which the settlement may have been concluded with the actual proprietors of the land:—

Passed on the 18th September 1818 - - - p. 18

X.—For insuring the more punctual and regular collection of the public Rêvenue from proprietors and farmers of land in the district of Cuttack, the pergunnah of Puttaspoore, and the several pergunnahs dependent on it:— - - - Passed on the 9th October 1818 - - - p. 20

XI.—For modifying certain parts of Regulation XIII, 1816:—

Passed on the 6th November 1818 - - - p. 22

XII.—For extending the powers of the Magistrates and Joint Magistrates in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; or charged with theft; or with buying or receiving stolen property, knowing the same to have been stolen; or charged with escape from jail or other place of confinement:—

Passed on the 6th November 1818 - - - p. 24

Regulation.

XIII.—For extending for a further period of three years the existing settlement of Cuttack, pergunnah Puttaspore and its dependencies, in all cases in which the settlement may have been concluded with zemindars or actual proprietors of the land :—

Passed on the 20th November 1818 - - - p. 28

XIV.—For altering the standard of the Calcutta Sicca Rupee and gold Mohur ; and for further modifying some of the rules in force respecting those coins :—

Passed on the 24th December 1818 - - - p. 29

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1818 ;

N° I. to IX.

Regulation.

I.—To provide for the more effectual administration of Criminal Justice in certain cases, and to alter certain provisions of the Regulations in force :—

Passed on the 28th January 1818 - - - p. 35

II.—For imposing a duty on foreign Salt, imported by sea into any port or place within the limits of the territories subject to the Presidency of Fort St. George :—

Passed on the 4th March 1818 - - - p. 37

III.—For imposing a duty on foreign Opium, imported by sea into any port or place within the limits of the territories subject to the Presidency of Fort St. George ; and on Opium exported by sea from any port or place within the said limits :—

Passed on the 4th March 1818 - - - p. 38

IV.—Prescribing rules for the assessment and collection of the Veesabuddy, or Tax upon the profits of Trade, in the provinces known by the appellation of the Ceded Districts, or the zillahs of Bellary and Cuddapah :— - - Passed on the 15th May 1818 - - - p. 39

V.—For rescinding Regulation I, A. D. 1814, and abolishing the Zillah Court of Guntoor :—

Passed on the 23d May 1818 - - - p. 42

VI.—Empowering Commissioners appointed to institute certain inquiries into the conduct of the servants of Government, European and Native, to take evidence on Oath ; and rendering the violation of such oath liable to the penalties of perjury :—

Passed on the 12th August 1818 - - - p. 43

VII.—For reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers :— - - - Passed on the 3d November 1818 - - - p. 44

VIII.—Prescribing the rules under which appeals may be preferred to the King's Most Excellent Majesty in his Privy Council, from the decisions of the Court of Sudder Dewanny Adawlut at Fort St. George :— - - - Passed on the 3d November 1818 - - - p. 47

IX.—For rescinding such part of Section XLI, Regulation XI, 1816, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside :— - - - Passed on the 11th December 1818 - - - p. 48

III.—By the Governor in Council of BOMBAY, in the Year 1818 ;

N° I. to VIII,

And Rule, Ordinance and Regulation I.

Regulation.

I.—For imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay :—

Passed on the 2d January 1818 - - - p. 49

II.—To amend Regulation VIII, A. D. 1813 :—

Passed on the 20th May 1818 - - - p. 50

Regulation.

III.—For modifying and defining the powers of Magistrates, and transferring the office of Zillah Magistrate from the Judge to the Collector of the zillah, constituting the Judges of the Zillah Courts the Criminal Judges of the zillahs, with charge of the Police of the sudder stations; and for defining their powers :— - - - Passed on the 10th June 1818 - - p. 50

IV.—For the establishment of a general system of Police throughout the territories subject to the Government of Bombay :— - - - Passed on the 10th June 1818 - - p. 71

V.—For receiving and transmitting Appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and His Most honourable Privy Council :—

Passed on the 2d September 1818 - - p. 79

VI.—For carrying on the Trade between British possessions in India, and the countries and states in amity with His Majesty :— - - Passed on the 31st December 1817 - - p. 80

VII.—For increasing the Tax called Market Fees levied on shops and stalls within the town and island of Bombay, beating the Battakie, and using or employing country music within the same; and for levying a Tax on the erection of wedding sheds, or other places of temporary amusement, in any of the streets or roads of the said Town and Island, made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, with the approbation of the Board of Commissioners for the Affairs of India :—

Passed on the 16th September 1818 - - p. 82

VIII.—For the confinement of State Prisoners :—

Passed on the 7th October 1818 - - p. 84

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1818.—N^o I. to XIV.

A. D. 1818. REGULATION I.

A REGULATION for establishing the office of Canoongoe in the districts of the Twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore and Backergunge, and for extending to the said Districts the operation of Regulation XII, 1817:—Passed by the Vice-President in Council, on the 17th March 1818; corresponding with the 5th Cheyte 1224 Bengal era; the 24th Phagoon 1225 Fusly; the 6th Cheyte 1225 Willaity; the 10th Phagoon 1874 Sumbut, and the 9th Jumadec-ul-awul 1233 Higeree.

WHEREAS it has appeared expedient to establish the office of Canoongoe in the districts of the twenty-four Pergunnahs, Nuddca, Jessore, Dacca Jelalpoore and Backergunge, and to extend to the said districts the operation of Regulation XII, 1817, the following Rules have been enacted, to be in force from the date of their promulgation throughout the aforesaid districts. Preamble.

II. Canoongoes shall be appointed in the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore and Backergunge, by the collectors of those districts respectively, in the same manner, and for the performance of the same duties as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspore and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended to the districts above-mentioned. Canoongoes to be appointed in the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore and Backergunge.

III. The provisions of Regulation XII, 1817, are hereby extended to the districts of the twenty-four Pergunnahs, Nuddea, Jessore, Dacca Jelalpoore and Backergunge. The provisions of Regulation XII, 1817, extended to the above-mentioned districts.

A. D. 1818. REGULATION II.

A REGULATION for annexing to the Zillah of Bundelcund the Elakeh of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain Villages belonging to the Pergunnah of Choorkee on the right bank of the Jumna, formerly composing a part of the Territories of Nana Govind Row:—Passed by the Vice-President in Council, on the 31st of March 1818; corresponding with the 19th Cheyte 1224 Bengal era; the 9th Cheyte 1225 Fusly; the 20th Cheyte 1225 Willaity; the 10th Cheyte 1875 Sumbut; and the 23d Jumadec-ul-awul 1233 Higeree.

WHEREAS the elakeh of Khundeh, appertaining to the pergunnah of Mahoba, together with certain villages belonging to the pergunnah of Choorkee on the right bank Preamble.

bank of the Jumna, have been ceded to the Honourable the East India Company by Nana Govind Row; and whereas it has been judged advisable to annex the elakeh and villages in question to the district of Bundelcund, the following Rules have been enacted, to be in force from the period of their promulgation.

The elakeh of Khundeh, and certain villages ceded by Nana Govind Row, annexed to Bundelcund, and the laws and regulations extended to them;—Subject to the following provisions:

Civil Courts prohibited from commencing the exercise of their jurisdiction, until the first settlement of the revenue shall

Civil Courts not competent to take cognizance of suits, if the cause of action shall have originated previously to the 1st November 1805.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 1st November 1817.

Such of the Regulations in force as increase the punishment prescribed by the existing laws and usages of the elakeh and villages in question, declared inapplicable to offences committed in them between the 1st of November 1817 and the promulgation of this Regulation.

Benefit extended to offenders in cases in which the penalties of the Regulations may appear to be more lenient than those which were in force under the former laws and usages.

Power reserved to the Government for fixing the periods for the formation of the settlement of the land revenue.

The Regulations relative to the collection of sayer or other duties, or to the form of engagements executed between the zemindars, farmers, and ryots in the elakeh of Khundeh, when to take effect.

Duty of the revenue officers in ascertaining the rights and privileges of the several proprietors in the elakeh of Khundeh.

II. The elakeh of Khundeh, appertaining to the pergunnah of Mahoba, together with certain villages belonging to the pergunnah of Choorkee, on the right bank of the Jumna, are hereby annexed to the district of Bundelcund, and the laws and regulations established for the internal administration of that district, are declared to be in full force and effect in the elakeh and villages in question;—subject, however, to the provisions contained in the following Sections.

III. *First.*—The Courts of Civil Judicature are hereby prohibited from commencing the exercise of their jurisdiction, until they shall be officially apprised by Government, that the first settlement of the revenue of the said elakeh and villages has been completed and duly sanctioned.

Second.—The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the elakeh and villages in question, the cause of action in which may have originated previously to the 1st of November 1805, being a period of twelve years antecedent to the cession of the elakeh and villages in question.

IV. *First.*—The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said elakeh and villages, previously to the 1st of November 1817, being the date of the treaty between the British Government and Nana Govind Row, under which the elakeh of Khundeh and villages in question were ceded to the Honourable the East India Company.

Second.—No part of the Regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the said elakeh and villages, shall be considered applicable to any crime or offence committed within the said elakeh and villages, between the 1st of November 1817, and the period of the promulgation of this Regulation.

Third.—In cases, however, in which the penalties established by the existing Regulations may appear to be more lenient than those to which the offenders would have been subject under the pre-existing laws and usages of the said elakeh and villages, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 1st of November 1817, and the period of the promulgation of this Regulation.

V. *First.*—The Government reserves to itself the power of fixing the periods, for which the settlement of the land revenue shall, from time to time, be formed in the said elakeh and villages, according as local circumstances may appear to require; adhering, however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Second.—Provided also, that such part of the Regulations in force within the district of Bundelcund, as relates to the collection of sayer, rahdaree, and other duties of a similar nature, or to the form of engagements to be executed by or between zemindars, farmers and ryots or other proprietors, occupants or cultivators of land, shall take effect within the said elakeh of Khundeh and villages aforesaid from the commencement of the ensuing Fusly year.

VI.—There being grounds to believe that many of the estates, composing the above-mentioned tract of country, are held by numerous proprietors in joint-tenancy, it shall be the particular duty of the revenue authorities administering the affairs of the said elakeh and villages, to adopt such measures as may appear best calculated for ascertaining, recording and securing the customary rights, privileges and interests of the several classes of proprietors and occupants of land, and especially of all putteedars or other parceners in joint undivided estates.

A. D. 1818. REGULATION III.

A REGULATION for the confinement of State Prisoners:—Passed by the Vice-President in Council on the 7th April 1818; corresponding with the 26th Cheyte 1224 Bengal era; the 16th Cheyte 1225 Fusly; the 27th Cheyte 1225 Willaity; the 2d Cheyte 1875 Sumbut; and the 30th Jumadee-ul-awul 1233 Higeree.

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes, entitled to its protection, and the security of the British dominions from foreign hostility, and from internal commotion, occasionally render it necessary to place under personal restraint, individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken, should proceed immediately from the authority of the Governor General in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council, all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zemindars, talookdars and others situated within the territories dependant on the Presidency of Fort William, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals, whose estates may be so attached under the direct authority of Government; the Vice-President in Council has enacted the following Rules, which are to take effect throughout the provinces immediately subject to the Presidency of Fort William, from the date on which they may be promulgated.

Preamble.

II. *First*.—When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Mode of proceeding for placing individuals under restraint a state prisoners.

Second.—The warrant of commitment shall be in the following form;—

To the [here insert the officer's designation.]

Form of warrant to be issued.

Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that [here insert the state prisoner's name] shall be placed under personal restraint at [here insert the name of the place] you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III, of 1818.

Fort William, the

By order of the Governor General in Council,

A. B.

Chief Sec. to Gov.

Third.—The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, jail or other place within the territories subject to the Presidency of Fort William.

Such warrant to be sufficient authority for the detention of any state prisoner.

Officers, in whose custody state prisoners may be placed, to submit to Government periodical reports.

III. Every officer in whose custody any state prisoner may be placed, shall on the 1st of January and 1st of July of each year, submit a report to the Governor General in Council, through the secretary to Government in the Political department, on the conduct, the health and the comfort of such state prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State prisoners in the custody of the zillah or city magistrate, to be visited by the Judge of Circuit at the sessions.

IV. *First.*—When any state prisoner is in the custody of a zillah or city magistrate, the Judges of Circuit are to visit such state prisoner, on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the state prisoner, which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council issued on that head.

State prisoners in custody of a public officer not being a zillah or city magistrate, to be visited by such person as may be nominated by Government for the duty.

Second.—When any state prisoner is placed in the custody of any public officer not being a zillah or city magistrate, the Governor General in Council will instruct either the zillah or city magistrate, or the Judge of Circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

Representations which may be made by state prisoners, to be submitted to Government.

V. The officer, in whose custody any state prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor General in Council.

Early report to be made to Government, regarding the nature of the confinement, the health and the allowances granted to state prisoners.

VI. Every officer, in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor General in Council, whether the degree of confinement to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support, be adequate to the supply of his own wants and those of his family, according to their rank in life.

The allowance fixed for the support of a state prisoner, to be duly appropriated to that object.

VII. Every officer, in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner, is duly appropriated to that object.

The provisions contained in Section III, to VII, of the present Regulation, applicable to all persons who are now confined as state prisoners.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government, within the territories subject to the presidency of Fort William.

Rules for the attachment of estates or lands by the orders of Government without a previous decision of a court of justice.

IX. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar, or other person, without any previous decision of a court of justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the secretaries to Government, to the judge and magistrate of the district, in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Dewanny Adawlut and Nizamut Adawlut.

Lands or estates so attached, to be placed under the management of the officers of Government in the Revenue department;

X. *First.*—The lands or estates which may be so temporarily attached, shall be held under the management of the officers of Government in the Revenue department, and the collections shall be made and adjudged on the same principles as those of other estates held under khas management.

And not liable to be sold on account of decrees of the Civil Courts or otherwise, while under attachment.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

The Government will make such arrangement as may be proper, for the satisfaction of the decrees of the Civil Courts in such instances.

Third.—In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

XI. Whenever

XI. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

Rules to be observed in cases where Government may order the release of an estate from attachment.

A. D. 1818. REGULATION IV.

A REGULATION for re-establishing the Dewanny Adawlut of the Northern Division of Seharunpore:—Passed by the Vice-President in Council on the 14th April 1818; corresponding with the 3d Bysack 1225 Bengal era; the 23d Cheyte 1225 Fusly; the 4th Bysack 1225 Willaity; the 8th Cheyte 1875 Sumbut; and the 7th Jumadec-us-Sanee 1233 Higeree.

WHEREAS the jurisdiction of the Dewanny Adawlut of the northern division of Seharunpore was abolished by Regulation XIV, 1806, and was incorporated with the jurisdiction of the Dewanny Adawlut of the southern division of Seharunpore; and whereas the annexation of the Deyra Doon to the northern division, and the recent transfer of a portion of the district of Allyghur to the southern division of Seharunpore, have augmented the local limits and the population of both those divisions, to an extent which interferes with the due administration of civil justice, and imposes on the inhabitants considerable hardships and difficulties; the Vice-President in Council, with a view to secure the due administration of civil justice, and to promote the convenience and prosperity of the inhabitants, has passed the following Rules, to be in force from and after the 30th of June next ensuing; corresponding with the 17th Assaur 1225 Bengal era; the 12th Assaur 1225 Fusly; the 18th Assaur 1225 Willaity; the 12th Assaur 1875 Sumbut; and the 25th Sha-baun 1233 Higeree.

Preamble.

II. *First*.—From and after the 30th of June 1818, the northern division of Seharunpore shall constitute a separate civil as well as criminal jurisdiction, and the judge and magistrate of that division shall exercise the same powers as those vested by the Regulations in the judges and magistrates of other zillahs in the ceded and conquered provinces.

The northern division of Seharunpore, constituted a separate civil as well as criminal jurisdiction.

Second.—The northern division of Seharunpore shall henceforward be denominated the zillah of Meerut.

The northern and southern divisions of Seharunpore how to be denominated.

Third.—It shall be competent to the Governor General in Council, by an order in Council, to determine the local limits of the zillah of Seharunpore, and to make such alterations in those limits as he may from time to time judge expedient.

Powers reserved to the Governor General in Council to determine the local limits of the zillah of Seharunpore.

A. D. 1818. REGULATION V.

A REGULATION for the appointment of a Commissioner, to be vested with special powers in the administration of Civil affairs in Zillah Cuttack:—Passed by the Vice-President in Council on the 28th April 1818; corresponding with the 17th Bysack 1225 Bengal era; the 8th Bysack 1225 Fusly; the 18th Bysack 1225 Willaity; the 8th Bysack 1875 Sumbut; and the 21st Jumadec-us-Sanee 1233 Higeree.

WHEREAS considerations connected with the present state of the district of Cuttack, and with the nature of the disturbances which recently prevailed in various parts of that district, have rendered it expedient that a Commissioner should be

Preamble.

deputed for the temporary superintendence of the civil affairs of the said district; and whereas it is necessary, with a view to the prompt and effectual execution of the important duties assigned to the Commissioner, that he should be vested with special powers as well in the administration of Civil and Criminal Justice, as in the superintendence of other local duties hitherto conducted by the Boards of Revenue and Trade; the Vice-President in Council has been pleased to enact the following Rules, to be in force within the local limits of the district of Cuttack, from the date on which the Commissioner may assume the charge of his office.

The powers hitherto exercised in Cuttack by the Boards of Revenue and Trade, the Provincial Court of Calcutta, and the Local Committee for superintending the Embankments, are hereby suspended.

A Commissioner to be deputed to Cuttack, with special powers.

II. The provisions of the existing Regulations, by which the Board of Revenue, the Board of Trade, the Provincial Court of Appeal and Circuit for the division of Calcutta, and the Local Committee for superintending the embankments, are respectively authorized or directed to exercise any powers or functions, or to discharge any duties in the administration of the civil affairs of the district of Cuttack, are hereby suspended.

III. A Commissioner shall be deputed to the district of Cuttack, who shall be authorized, from the date on which he may assume the charge of his office, to exercise and discharge the whole of the powers and duties heretofore exercised and discharged with regard to the affairs of that district, under the Regulations in force by the Board of Revenue, by the Board of Trade, by the Judges of the Provincial Court of Appeal for the division of Calcutta, either individually or collectively, and by the Judges of the Court of Circuit for the division of Calcutta, either individually or collectively, and by the Local Committee of Embankments.

The Judge of Circuit now holding the jail delivery at Cuttack, to complete the duties of the present sessions.

The Commissioner in Cuttack to hold the future sessions of jail delivery of that district.

IV. The foregoing provisions shall not operate to prevent the Judge of Circuit, who is now holding the sessions of jail delivery of the zillah of Cuttack, from completing that duty under the Regulations heretofore in force; but from and after the completion of the present sessions, the sessions of jail delivery of the zillah of Cuttack shall be held from time to time by the Commissioner, at such periods as he may judge most expedient for the public service.

Civil suits depending in the Provincial Court of Calcutta to be transferred to the Commissioner.

Civil suits may be tried by the Commissioner, at any place within the limits of Cuttack.

V. *First.*—The records of civil suits of every description, originating in the district of Cuttack, which may be depending before the Provincial Court for the division of Calcutta, whether in appeal from the decision of the Zillah Court of Cuttack, or instituted in the first instance in the Provincial Court, shall be transferred to the Commissioner; and such cases, as well as all other civil cases coming under his cognizance, shall be investigated and decided by him, at any place or places situated within the limits of the district of Cuttack, under the same powers as are vested in the judges of the Provincial Court, either individually or collectively.

The pleadings and management of suits before the Commissioner, are not required to be conducted by regular pleaders.

Second.—The pleadings and the management of suits which may be brought under the cognizance of the Commissioner in Cuttack, shall be conducted, either by the parties themselves, or by agents duly authorized by them for that purpose; and it shall not be requisite that any regular pleaders should be attached to the Court of the Commissioner, or that any duties in the Court of the Commissioner should be performed by such pleaders.

The Commissioner empowered to dispense with the rules contained in Sections III, IV, V, VI, and VII, Regulation XXVIII, 1814.

Third.—The Commissioner in Cuttack shall be empowered to dispense with the rules contained in Sections III, IV, V, VI, and VII, Regulation XXVIII, 1814, in all instances in which he may judge it expedient to permit persons to sue, either in his own Court, or in the Zillah Court of Cuttack, as paupers, without requiring such persons to fulfil the conditions specified in those Sections.

The Commissioner and the Judge and Magistrate empowered to dispense with the rule contained in Section XIX, Regulation XXVIII, 1814.

Fourth.—The Commissioner in Cuttack, and the Judge and Magistrate of that district, shall also be respectively empowered to dispense with the rule contained in Section XIX, Regulation XXVIII, 1814, in all instances in which they may judge it expedient.

Orders and decisions passed by the Commissioner in civil suits, to be final. Provide with regard to cases appealable to the King in Council.

Fifth.—The orders and decisions passed by the Commissioner, in original civil suits, or in appeals cognizable by him, whether regular or summary, shall be to all intents and purposes final and conclusive: Provided, however, that an appeal shall lie to the Sudder Dewanny Adawlut, from the decisions of the Commissioner on civil suits, which from their amount or value may be appealable to the King in Council, under the provisions of the existing Regulations.

VI. Nothing

VI. Nothing contained in this Regulation shall be construed to affect or alter the powers vested in the Court of Nizamut Adawlut, with regard to the administration of criminal justice in the district of Cuttack; and the Commissioner in Cuttack will stand in the same relation to the Court of Nizamut Adawlut, as the Judges of the Provincial Court of Circuit for the division of Calcutta have hitherto stood either in their individual or in their collective capacity.

The powers of the Court of Nizamut Adawlut with regard to the administration of criminal justice in Cuttack, to continue in force.

VII. The provisions of Regulation XXII, 1817, are hereby rescinded, and the Commissioner in Cuttack shall exercise the same powers in confirming the appointment and removal of the Native officers of the Judge and Magistrate of Cuttack, as are exercised by the Provincial Courts of Appeal and Circuit, with regard to the appointment and removal of the Native officers on the establishment of the Zillah Judges and Magistrates generally.

Regulation XXII, 1817, rescinded. The Commissioner to confirm the appointment and removal of Native officers on the establishment of the Judge and Magistrate of Cuttack.

VIII. The Judge and Register of zillah Cuttack are hereby empowered to hold their Court for the investigation of summary suits regarding rent or dispossession from lands, in any part of the district of Cuttack; and it shall be competent to the Commissioner, with the sanction of the Governor General in Council, to employ the Registers or the Assistants to the Judge and Magistrate of Cuttack, on local duties in the Territorial department, when such employment shall appear calculated to promote the public service.

The Judge and Register may investigate summary suits regarding rent or dispossession from lands in any part of Cuttack.

The Registers and Assistants to the Judge and Magistrate may

be employed on local duties in the Territorial department.

A. D. 1818. REGULATION VI.

A REGULATION for providing against the protracted confinement of persons charged with criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit at the Sudder Stations of those Courts, with respect to persons committed or held to bail by the Magistrates for trial at the periodical Sessions of Jail Delivery:—Passed by the Vice-President in Council on the 12th May 1818; corresponding with the 31st Bysack 1225 Bengal era; the 22d Bysack 1225 Fusly; the 1st Jeytc 1225 Willaity; the 7th Bysack 1875 Sumbut; and the 6th Rujub 1233 Higeree.

WHEREAS it appears just and expedient to guard against unnecessary delay in bringing to trial, before the Courts of Circuit, persons confined by the magistrates during the investigation of charges ultimately cognizable by those Courts; and whereas it is unnecessary and objectionable that the Judges of the Courts of Circuit at the sudder stations of their respective divisions, should interpose their authority in the regular course of trial, when a person charged with a criminal offence may have been committed or held to bail by a magistrate, to stand his trial at the ensuing session of jail delivery, except for the purpose of admitting to bail persons in close confinement, who may tender sufficient bail for their appearance to stand their trial; the following Rules and Provisions have been enacted by the Vice-President in Council, and shall be considered in force from the time of their promulgation throughout all the provinces immediately subject to the Presidency of Fort William.

Preamble.

II. *First*.—In addition to the calendars which the magistrates are now required to lay before the Judges of Circuit at the periodical jail deliveries, they shall submit to the Judges of Circuit, at the commencement of each jail delivery, a calendar of persons in confinement on criminal charges still under examination, containing the following particulars; viz. the name of each prisoner; the date of his apprehension; the charge against him; by whom preferred; and what proceedings have been held in the case; with an explanation of the cause of delay in passing a final order, if the prisoner have been more than a month in confinement. The Judge of Circuit, on inspection of this calendar, will call for the magistrate's proceedings in any case that may appear to require it; and if on perusal of them he shall be of opinion that there is not sufficient reason for postponing the trial, he is empowered to instruct the magistrate to close his proceedings, and either to pass a final order, if the case be determinable by the magistrate, or to bring it before the Court of Circuit

An additional calendar of persons in confinement under examination on criminal charges, to be submitted to the Judge of Circuit at the commencement of each jail delivery.

The Judges of Circuit how to proceed after an inspection of the calendar.

Circuit in a supplementary calendar, if there appear to be sufficient grounds for committing the prisoner to stand his trial before that Court.

The Judges of Circuit to give due attention to the reasons assigned by the magistrate for not passing a final order in the cases of such prisoners.

Second.—In exercising the power vested in the Judges of Circuit by the above clause, for the purpose of preventing the long confinement of prisoners charged with criminal offences during the magistrate's investigation of such charges, without strong and sufficient cause for their detention, the Judges of Circuit are required to give due attention to the reasons assigned by the magistrates for not passing a final order respecting the prisoner or prisoners in each instance, and to be careful that their instructions to the magistrates, in such cases, are consistent with the objects of public justice, as well as with a just and humane consideration of the prisoner's actual condition and the period of his confinement.

Limitation of the powers vested in the Judges of Circuit at the sudder stations under Section XXIII, Regulation IX, 1807.

III. First.—The general powers vested in two or more Judges of a Court of Circuit at the sudder station, by Section XXIII, Regulation IX, 1807, whereby they are authorized on all occasions when it may appear necessary, upon petitions presented to them, to call for the proceedings of a magistrate, and to pass such orders thereupon as they may deem proper and consistent with the Regulations, are hereby declared subject to the following limitation.

The Judges of the Court of Circuit at the sudder station, not competent to annul commitments made by the magistrates.

Second.—When a person charged with a criminal offence may have been committed or held to bail by a zillah or city magistrate, or by any public officer authorized to officiate as a magistrate, to stand his trial before a Court of Circuit at the ensuing session of jail delivery, it shall not be competent to the Judges of the Court of Circuit at the sudder station of the division, to annul the magistrate's order, and to prevent the regular trial of the person so committed or held to bail.

But may instruct the magistrate to admit to bail any persons whose cases appear to be of a bailable nature, or otherwise for special reasons.

Third.—In such cases, however, two or more Judges of the Court of Circuit at the sudder station may, of course, exercise the power declared to be vested in those Courts by the second clause of Section IX, Regulation IX, 1807; viz. by instructing the magistrate to admit to bail any persons whom he may have committed to close confinement, until they can be brought to trial at the next session of jail delivery, if the offence charged shall appear to be of a bailable nature, or though not within the description of offences declared bailable by the Regulations, if the Court of Circuit shall be of opinion that there is special reason for admitting the prisoner to bail, and sufficient bail be tendered by him for his appearance to stand his trial at the next session of jail delivery.

And may comply in the first instance with applications from parties held to bail, to plead upon the trial by a vakeel instead of attending in person.

Provido.

Fourth.—Two or more Judges of the Court of Circuit at the sudder station are further hereby empowered to comply, in the first instance, with applications made to them by parties held to bail for trial at the sessions of jail delivery, to be allowed to attend and plead upon the trial by a vakeel duly constituted, instead of attending in person, when strong and sufficient reason may be stated for dispensing with the personal attendance of the party in such cases: provided that the Judge of Circuit, before whom the trial may be subsequently held, shall exercise a full discretion, notwithstanding any previous orders of the Court of Circuit in requiring the personal attendance of the defendant, whenever, on consultation with his law officer, it may appear requisite, under the provisions of the Mahomedan law, or generally for the ends of justice.

Magistrates how to proceed when persons held to bail may not attend before the Court of Circuit.

IV. First.—Whenever a person held to bail for his appearance before a Court of Circuit shall neglect to attend at the appointed time, the magistrate shall call upon his surety or sureties to produce him, and on their failure, shall report the case, with any reasons assigned by the surety or sureties for the non-fulfilment of their engagement, to the Judge of Circuit holding the session of jail delivery, who will determine and instruct the magistrate, whether the penalty of the security bond shall be immediately enforced, or whether a further time shall be allowed to the surety or sureties to produce the person for whom they are responsible.

Rules for the recovery of the amount of the penalty from the surety or sureties.

Second.—When the Judge of Circuit, on consideration of the magistrate's report, shall direct the enforcement of the security bond, the magistrate shall proceed to recover the amount of the penalty from the surety or sureties, by the attachment and sale of any property belonging to them, in the mode prescribed for the attachment and sale of property, in satisfaction of decrees of the Civil Courts; or if the amount demandable from the surety or sureties be not paid, and cannot be realized from any

any property belonging to them, they shall be liable to confinement by order of the magistrate, in the civil jail of the station, during a period not exceeding six months.

A. D. 1818. REGULATION VII.

A REGULATION for rescinding such parts of the existing Regulations as relate to the conduct of the Trade of Foreign Nations to the Ports and Settlements of the British Nation in the East Indies; and for better giving effect to a Regulation in that behalf, enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies :— Passed by the Governor General in Council on the 28th August 1818; corresponding with the 13th Bhadoon 1225 Bengal era; the 12th Bhadoon 1225 Fusly; the 14th Bhadoon 1225 Willaity; the 12th Bhadoon 1875 Sumbut; and the 25th Sowaul 1233 Hijeree.

WHEREAS the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, have been pleased to pass the Regulation hereinafter recited, for the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East Indies, the following Rules have been framed into a Regulation, to be in force from the date of their promulgation. Preamble.

II. Sections II & III, Regulation III, 1811, Regulation VI, 1812, and Regulation XX, 1816, are hereby rescinded, and the several provisions of the following Regulation, passed by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, shall be hereafter observed within the territories immediately dependent on the Presidency of Fort William. Certain provisions of former Regulations relative to the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East Indies, rescinded; and the following Regulation enacted in lieu of them.

“Regulation for carrying on the trade between the British possessions in India, and the countries and states in amity with His Majesty; passed by the Court of Directors of the United Company of Merchants of England trading to the East Indies, this 31st day of December 1817.” Title.

“Whereas by an Act passed in the 37th year of the reign of His present Majesty, intituled, ‘An Act for regulating the trade to be carried on with the British possessions in India, by the ships of nations in amity with His Majesty,’ it was enacted, that from and after the passing of that Act, and during the continuance of the exclusive trade of the United Company of Merchants of England trading to the East Indies, and during the term for which the possessions of the British territories in India is secured to the said United Company, it should be lawful for the ships and vessels of countries and states in amity with His Majesty, to import into, and export from, the British possessions in India, such goods and commodities as they should be permitted to import into, and export from, the said possessions, by the Directors of the said Company, who were thereby directed to frame such Regulations for carrying on the trade to and from the said possessions, and the countries and states in amity with His Majesty, as should seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire, and that no ship or vessel belonging to any of the subjects of states or countries in amity with His Majesty, should be liable to seizure, confiscation or forfeiture, or other penalty, for exporting from, or importing into, the said British possessions in India, any goods or commodities, the importation or exportation of which should respectively be permitted by the said Regulation, any thing in a certain Act of the twelfth year of the reign of King Charles the Second therein recited to the contrary notwithstanding: Provided always, that it should not be lawful for the Directors of the said United Company to frame any Regulations for the conduct of the said trade, which should be inconsistent with any treaty or treaties which should have been or might be entered into by His Majesty, His heirs and successors, and any country or state at amity with His Majesty, or which might be inconsistent with any Act or Acts of Parliament which had been passed for the regulation of the trade and commerce Preamble.

commerce of the said British territories in India: and whereas by another Act passed in the 53d year of the reign of His present Majesty, intituled, 'An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges for establishing further regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's charter,' all the enactments, provisions, matters and things contained in any Act or Acts whatsoever, which were limited or might be construed to be limited to continue for and during the term granted to the said Company, by a certain Act of Parliament of Great Britain of the 33d year of His present Majesty, therein recited, so far as the same, or any of them, were in force, and not repealed by or repugnant to the said Act of the 53d year of His said present Majesty, should continue and be in force during the further term thereby granted to the said Company, subject to such alterations therein as might be made by any of the enactments, provisions, matters and things in that Act contained."

"The Court of Directors of the United Company of Merchants of England trading to the East Indies, in virtue of the powers granted to them by the aforesaid Acts, have framed the following Regulation, for carrying on the trade to and from the British possessions in India, and the countries and states in amity with His Majesty."

Ships belonging to a foreign European nation, having a settlement of its own in the East Indies, and being in amity with His Majesty, may enter freely and trade in imports and exports in the East Indies.

Provido with regard to certain articles of export in time of war.

I. "Foreign European ships belonging to any nation having a settlement of its own in the East Indies, and being in amity with His Majesty, may freely enter the British sea-ports and harbours in that country, whether they come directly from their own country, or from any of the ports and places in the East Indies, they shall be hospitably received, and shall have liberty to trade there in imports and exports, conformably to the Regulations established in such places; provided, that it shall not be lawful for the said ships in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military stores or naval stores, saltpetre or grain. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong."

Rules with regard to ships belonging to foreign European nations, having no establishment in India.

Provido.

II. *First.*—"Foreign European ships belonging to countries having no establishment in the East Indies, may (when those countries and states respectively are in amity with His Majesty,) freely enter the ports of the principal British settlements in the East Indies; viz. Calcutta, Madras, Bombay, and Prince of Wales' Island only. They shall be hospitably received there, and have free liberty to trade in imports and exports conformably to the Regulations of the place; provided that it shall not be lawful for the said ships in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military stores or naval stores, saltpetre or grain; and provided also, that the said ships proceed from their own ports direct to the said principal British settlements, without touching at any port or place whatever in the voyage out, except from necessity, and merely to procure refreshments or repairs, in case of distress or accidents, in the course of such voyage, the burthen of the proof of which necessity to rest on the parties."

Such ships not to export any articles from the British territories to any other port or place but to their own country; Nor to be cleared out to carry on the coasting or country trade;

Second.—"The vessels of the said European powers last aforesaid, shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes or part thereof, from one principal British port of discharge to another principal British port, are not to be considered as carrying on the coasting trade."

Nor to proceed from the British territories to any foreign settlements in India, nor to the territory of any Asiatic power;

Nor to enter the river in that part of the British territory situated in Bengal, for any other purpose than to proceed to Calcutta for trade, refreshment, or repairs.

Third.—"The said vessels shall not be allowed to proceed either with or without return cargo, from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Asiatic potentate or power, except from the like necessity, as is before described, of which the proof shall rest with them. Nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal, for any other purpose than that of proceeding to the port of Calcutta for trade, refreshments or repairs."

Fourth.

Fourth.—"In clearing out for their respective countries, the clearance shall be a direct one to the country to which the vessels belong, and to no other whatever."

The clearance of the vessels to be direct to the country to which and to no other.

"The trade between the British possessions in India and the United States of America, shall be regulated by the convention of commerce between Great Britain and the United States of America, signed at London, the 3d July 1815."

The trade with America, how to be regulated.

Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of foreign nations is and shall be subject, at the ports and settlements of the British nation in the East Indies.

The present rules not to affect the existing Regulations for defining the duties on foreign trade.

A. D. 1818. REGULATION VIII.

A REGULATION for rescinding part of Clause 6, Section II, Regulation LIII, 1803, for modifying some of the existing Rules relating to the requisition of Security for good behaviour; and for providing for a revision of the Cases of certain classes of Prisoners, detained in Confinement, on failure to furnish Security for their good behaviour and appearance:—Passed by the Governor General in Council on the 28th of August 1818; corresponding with the 13th Bhadoon 1225 Bengal era; the 12th Bhadoon 1225 Fusly; the 14th Bhadoon 1225 Willaity; the 12th Bhadoon 1875 Sunbut; and the 25th Sowaul 1233 Higeree.

WHEREAS it has been deemed expedient to rescind part of the 6th Clause of Section II, Regulation LIII, 1803, to define, more exactly, the powers to be exercised in future by the Magistrates and Criminal Courts, in requiring security for the good behaviour of persons of suspicious livelihood, or of notoriously bad or dangerous character, and to provide for a revision of the cases of certain classes of prisoners, detained in confinement under requisition of security for their future good behaviour, the following Rules have been passed, to take effect from the date of their promulgation throughout the provinces subject to the Presidency of Fort William.

Preamble.

II. *First.*—Such part of Clause Sixth, Section II, Regulation LIII, 1803, as vests the Courts of Circuit with authority to require security for good behaviour from persons charged with, but not convicted of, a specific offence, on the grounds of strong suspicion of their having committed such offence, independently of any proof of notorious bad character, is hereby rescinded; and the Criminal Courts are prohibited from requiring security for good behaviour from such persons in future.

Part of Clause sixth, Section II, Regulation LIII, 1803, rescinded.

Second.—The foregoing rule shall not be construed to prevent the Judges of the Courts of Circuit, or of the Nizamut Adawlut, from requiring security from prisoners, who may be acquitted, on the trial before those Courts, of the specific charge brought against them, provided such prisoners may, from the evidence on the proceedings, appear to be of notoriously bad or dangerous character. In cases of this description, the Judges of the Courts of Circuit or of the Nizamut Adawlut will issue such orders as they may judge necessary, under the rules contained in Sections IX. and X. of this Regulation.

The Courts of Circuit, and the Nizamut Adawlut, authorized to require security from prisoners tried by them, if proved to be of notoriously bad or dangerous character.

III. In every instance in which security for good behaviour may be hereafter required, whether by the Magistrates, the Courts of Circuit, or the Nizamut Adawlut, the amount of the security, the number of sureties (to be fixed at the discretion of the magistrate or of the court requiring the security,) and the period of time for which the sureties are to be responsible for the good conduct of the prisoner, shall be fixed and determined.

Nature of the order to be passed by the criminal courts, on requiring security for good behaviour from persons of notoriously bad character.

IV. The period of time during which such prisoners may be made liable to detention in custody, on failure to furnish the security required from them, shall hereafter be specifically fixed in every instance, except in those cases in which the prisoner may appear to be a notorious robber, of a character so dangerous as to render his release, without security, evidently unsafe and objectionable.

Period of time for the eventual detention of such prisoners, to be fixed. Exception.

Magistrates empowered to release such prisoners, although the security be not furnished, if the order of detention shall have been passed by persons exercising the functions of magistrate.

But not to exercise that authority, if the order shall have been passed by the Courts of Circuit, or by the Nizamut Adawlut.

Limitation, with regard to the removal of prisoners confined for security, from one district to another.

Exceptions to the foregoing rule.

On what conditions sureties may be discharged from their responsibility.

The period of detention for security, in ordinary cases, decided by the magistrate, not to exceed one year.

The Judge of circuit holding the sessions, may examine the proceedings of the magistrate, in such cases, on petitions presented to him by the prisoners; and may annul, modify or confirm the orders of the magistrate.

Magistrates how to proceed in cases in which it may appear unsafe to release, without security, prisoners.

The expiration of the period above limited.

If due security be not furnished by the prisoner, before the next sessions, the proceedings in the case to be laid before the Judge of circuit.

V. First.—The magistrates are hereby empowered, at all times, to exercise the discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for their good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

Second.—In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security for good behaviour, by order of a Court of Circuit or of the Nizamut Adawlut, can be safely released without such security, the magistrate shall either bring the case before the Court of Circuit at the next ensuing jail delivery, as prescribed in Section XI, Regulation LIII, 1803, or shall make an immediate report of the case, with his sentiments, for the orders of the Court, which may have required the prisoner to furnish security previously to his release.

VI. First.—No prisoner detained under requisition of security in the zillah or city in which he has been accustomed to reside, or in which he may have been apprehended, shall be removed to the jail of a different zillah, unless the Nizamut Adawlut shall sanction the removal in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

Second.—The foregoing rule, however, shall not be construed to preclude the removal of such prisoners from one station to another, in cases in which a due regard to the health of the prisoners or to their safe custody, or other emergent circumstances, may in the judgment of the Nizamut Adawlut, render that measure necessary or advisable.

VII. It is hereby declared, that individuals who may become sureties for the good behaviour of prisoners, may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up, the persons for whom they may have become responsible, to the proper magistrate or police officer, and that they will not be made responsible for the amount of the security-bond, in cases in which they may give timely information to the magistrate, that the individuals for whom they may have become sureties, have taken to bad courses, and may use every exertion in their power, to the satisfaction of the magistrate, for the apprehension and surrender of such individuals.

VIII. First.—Whenever the magistrates, under the authority vested in them by the existing Regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe to do so) provide in their order for the release of the prisoner, at the end of a definite period, not exceeding twelve months.

Second.—It shall not be necessary for the Judge of Circuit, holding the sessions, to revise the proceedings of the magistrate in such cases, except on petitions presented by the prisoners, when the Judge of Circuit holding the sessions is directed and empowered to call for the proceedings, and, on his own authority, to annul, modify or confirm the orders of the magistrate.

IX. First.—In all other cases, in which the magistrate may be of opinion, from the evidence to general character adduced before him, that the prisoner is, by habit, a robber, burglar or thief, or a vendor or receiver of stolen property, knowing the same to have been stolen; or of a character so desperate, dangerous or irreclaimable, as to render his release, without security, at the expiration of the limited period of twelve months above specified, hazardous to the community, the magistrate shall record his opinion to that effect, with an order, specifying the amount of security which should, in his judgment, be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

Second.—If the prisoner shall not furnish the security so required, before the next sessions of the Court of Circuit, the whole of the proceedings shall be laid before the Judge of that Court, who after examining them and requiring any further evidence which he may judge necessary, shall be competent from his own authority, to

pass orders on the case, either confirming, modifying or annulling the orders of the magistrate, as he may judge proper and equitable.

Third.—In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a limited period for the provisional detention of the prisoner (in the event of his not giving the security required from him,) which period shall never exceed three years, except in the cases specified in the following Section.

Orders to be passed by the court of circuit, if it shall not appear safe to direct the immediate discharge of such prisoner.

X. *First.*—In cases in which the Judge of Circuit shall, from the proceedings before him, consider the prisoner to be a notorious gang robber, (Dukyt) of dangerous character, whom it would be unsafe to set at liberty, without substantial security for his future good behaviour, and who therefore, in default of giving such security, should be confined indefinitely, in pursuance of Section IX, Regulation VIII, 1808, he shall declare and order the same accordingly.

Orders to be passed by the court of circuit, if the prisoner shall appear to be a notorious gang robber.

Second.—In these cases, however, the Judge of Circuit shall nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order, that, if the prisoner shall not be able to furnish the security required, within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit, who may hold the sessions of jail delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before, or on any modified terms, favourable to the prisoner.

Further provisions for such cases.

Third.—With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this Section, the period for which the sureties are to be responsible for the good behaviour of the individuals, shall be, in all cases, limited to three years, subject however to the condition that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the magistrate.

Rules to encourage respectable individuals to become sureties for such prisoners.

Fourth.—When individuals shall be surrendered by their sureties, under the foregoing rule, the magistrate shall ascertain whether the former surety is willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years; and, in the event of the surety being willing to become again responsible for the conduct of the prisoner, the magistrate shall accept the security and release the prisoner on the same terms as before.

Ditto.

Fifth.—If the former surety shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the magistrate shall detain him in custody until the ensuing sessions, when the prisoner is again to be brought before the Judge of Circuit, for such further orders as he may consider it proper to pass in the case.

Ditto.

XI. *First.*—Although the cautious and discreet application of the powers vested in the judicial officers, under the foregoing provisions, will tend, in future, to reconcile effectually the safety of the community, with a due regard to the rights of individuals, those rules will not operate to relieve the prisoners, now in confinement, under a requisition of security, unless a general revision of their cases be undertaken with reference to the same principles; and the following rules are accordingly enacted to provide for such revision.

A revision of the cases of prisoners now detained in confinement, for security, to be undertaken.

Second.—It shall be competent to the Governor General in Council to nominate and appoint such individuals, (being officers of experience in the judicial department,) as he may from time to time judge proper to select, for the special duty of revising the cases of prisoners in confinement, under requisition of security.

The Governor General in Council authorized to appoint individuals for the special duty of making such revision.

Third.—It shall be the duty of those officers to proceed to the sudder stations of the several districts or cities in which the prisoners, whose cases they are respectively to revise, may be confined.

Such officers to proceed to the sudder stations of the several districts.

Fourth.—The revision in question shall extend, 1st, to the cases of all prisoners who may be now detained in confinement, under requisition of security, by orders of the Nizamut Adawlut and Courts of Circuit, merely on the ground of strong

To what cases the revision in question is to extend.

suspicion of their having committed a specific offence, without proof of their notorious bad character.

To what cases the revision in question is to extend.

2dly. To the cases of all prisoners ordered, by whatever authority, to be imprisoned for an indefinite period, until they find security.

3dly. To the cases of all prisoners ordered, by whatever authority, to be imprisoned for a definite period, on failure to furnish security for their good behaviour, provided the amount of the security, and the period for which the sureties are to be responsible, be not distinctly specified in the order, and provided that the unexpired period, during which the prisoners may be still liable to be detained, shall exceed three years.

The revision to be conducted with reference to the general principles prescribed by this Regulation.

XII. All prisoners whose cases may be included under the first of the foregoing heads, shall be discharged, unless it shall appear, from the proceedings, that the prisoner is a person who, from the notoriety of his general bad character, ought not to be released without security: in these cases, as well as in the cases included under the second and third heads, the officer making the revision shall be guided by the general principles prescribed in this Regulation, and shall pass such orders as he may judge proper in each case, under the rules contained in Sections IX. and X. of this Regulation.

The orders passed by the individuals appointed to make the revision not subject to appeal, or to the revision of other authorities;

XIII. The persons who may be nominated by Government for the discharge of this special duty, are hereby vested with full authority to release prisoners confined for security, to diminish the amount of the security, to shorten the periods fixed for the discharge of the prisoners, and generally, to pass any orders favourable to such prisoners, which they may judge proper in the exercise of a sound and humane discretion, and their orders shall not be subject to appeal, or to the revision of any other authority, except in instances in which their orders may appear to the Nizamut Adawlut not to be warranted by the powers vested in them by this Regulation.

Unless the Nizamut Adawlut shall consider them to be unwarranted by this Regulation.

A report, showing the result of the proceedings of the officers making the revision, to be submitted, through the Nizamut Adawlut, for the information of Government.

XIV. The officers who may be nominated by Government for the discharge of the special duty above adverted to, shall submit a report, showing the result of their proceedings in each district, through the Nizamut Adawlut, for the information of Government, accompanied by such forms and statements as may be prescribed by the Nizamut Adawlut.

A. D. 1818. REGULATION IX.

A REGULATION for extending for a further period of five years the existing Settlement in the Conquered Provinces lying on the right and left banks of the River Jumna, with the exception of the Southern division of the District of Seharunpore, and in the Territory ceded to the British Government by His Highness the Peishwah in Bundelcund, in all cases in which the Settlement may have been concluded with the actual Proprietors of the Land:—Passed by the Governor General in Council on the 18th September 1818; corresponding with the 3d Assin 1225 Bengal era; the 4th Assin 1226 Fusly; the 4th Assin 1226 Willaity; the 4th Assin 1875 Sumbut; and the 16th Zekaad 1233 Higeree.

Preamble.

THE existing settlement of the land revenue in the conquered provinces lying on the right and left banks of the river Jumna, and in the territory ceded by his Highness the Peishwah in Bundelcund, will expire with the year 1227 F. S. and an extension of the said settlement for a further period of five years in all cases, in which it shall have been formed with the actual proprietors of the soil, and in which there is no reason to believe that the assessment is greatly inadequate or unequal, is calculated to promote the interests of the landholders, and will be otherwise attended with public advantage; but there being ground to apprehend that the existing settlement of the southern division of the district of Seharunpore has been formed on very insufficient data, the Governor General in Council deems it proper to exclude that division from the operation of the general arrangement above-mentioned. The following Rules have accordingly been enacted, to be in force from the period of their promulgation in the provinces and territory aforesaid.

II. First.

II. First.—The existing settlement of the land revenue in the conquered provinces lying on the right and left banks of the river Jumna, with the exception of the southern division of the district of Seharunpore, and in the territory ceded to the British Government by his Highness the Peishwah in Bundelcund, shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1232 Fusly, subject to the following provisions.

Second.—If any proprietors of estates within the said provinces and territory, (with the exception of the tract of country aforesaid,) who may have entered into engagements for the payment of the public revenue, during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding Section of this Regulation, for a further period of five years, viz. to the expiration of the year 1232 Fusly, they shall notify the same to the Collector of the zillah within which the lands may be situated, on or before the 1st July 1819.

Third.—All such zemindars who shall not make a notification to the effect and within the period above-mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue, during the five years subsequent to the settlement now in formation, viz. until the expiration of the year 1232 Fusly, as may be specified in their engagements for the year 1227 Fusly.

III. With respect to estates which are at present let to farm, and of which the leases will expire with the Fusly year 1227, the settlement of such meahals shall be made with the actual proprietors, in all cases in which they may be willing to engage, during the years 1228, 1229, 1230, 1231 and 1232, for the payment of an annual jumma, equal to the amount payable by the farmers respectively on account of the year 1227, and shall make the necessary application to the Collector of the district in which the lands may be situated, or to the Board of Commissioners, on or before the 1st January 1820.

IV. In cases in which the proprietors of estates may decline to engage for the payment of the revenue demandable from their lands, during the years 1228, 1229, 1230, 1231 and 1232, or in which no acknowledged proprietors may be forthcoming, it will be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, preparatory to the arrangements to be made for the above period, and it shall be competent in such cases to the said authorities, either to let the lands in farm for that period, or to assume the direct management of them.

V. The undermentioned pergunnahs, forming the southern division of the district of Seharunpore, are excluded from the operation of the rules contained in the preceding Sections of this Regulation; and on the expiration of the present settlement of the said pergunnahs, a new settlement shall be made for a term of five years: Provided, however, that in any cases in which the proprietors of estates shall be desirous, previously to the expiration of the present settlement, of entering into engagements at an adequate jumma, for the years 1228, 1229, 1230, 1231 and 1232 F. S. and the revenue authorities shall possess in regard to such meahals the information necessary to an assessment on proper principles, it shall be competent to the Board of Commissioners at any time after the promulgation of this Regulation, to direct a settlement to be concluded with such proprietors for the period aforesaid, viz. for the years 1228, 1229, 1230, 1231, and 1232, F. S. subject to the confirmation of Government.

The existing settlement of the land revenue in Bundelcund and in the conquered provinces, with the exception of the southern division of Seharunpore, to continue in force until the end of the year 1232 Fusly.

Proprietors who may not be willing to continue to hold their lands for the further period above specified, to notify the same to the collector before the 1st July, 1819.

If they shall not make such notification, to be held responsible until the end of the year 1232, for the same revenue as is specified in their engagements for the year 1227.

Rules for the settlement of meahals let in farm.

Rules to be observed when proprietors may decline to engage.

Specification of the pergunnahs in the southern division of Seharunpore excluded from the operation of the foregoing provisions.

Pergunnahs referred to in the above Section :

Ajrara,	Julalabad,	Shuckurpore,
Baughput,	Kandlah,	Sorohee,
Bhojepore,	Keranah,	Sumbulheree,
Bhooma,	Khatowlee,	Surrawah,
Bugra,	Lalookheree,	Tandah,
Chuprowlee,	Loney,	Tarrapore
Dadree,	Meeruf,	Tekurce,
Dasnah,	Nelohah,	Teturwarra,
Gungaroo,	Phookanah,	Pooth,
Gurhmooktasur,	Shekarpore,	Secana,
Hawpore,	Shamlee,	Thana Fureeda.
Jowley,		

A. D. 1818. REGULATION X.

A REGULATION for ensuring the more punctual and regular Collection of the public Revenue from Proprietors and Farmers of Land in the District of Cuttack, the Pergunnah of Puttaspore, and the several Pergunnahs dependent on it:—Passed by the Governor General in Council on the 9th October 1818; corresponding with the 24th Assin 1225 Bengal era; the 25th Assin 1226 Fusly; the 25th Assin 1226 Willaity; the 10th Assin 1875 Sumbut; and the 8th Zeelhege 1233 Higeree.

Preamble.

WHEREAS it is deemed expedient with the view to ensure for the future the more punctual collection of the public revenue from zemindars, talookdars and other actual proprietors of land and farmers of land in the district of Cuttack, the pergunnah of Puttaspore, and the several places dependent on it, to assimilate the system of collection in the said district and pergunnah, and places, more nearly to that pursued in the western provinces, the following Rules have been accordingly enacted, to be in force from the promulgation of this Regulation in the district and mehauls above mentioned.

The whole or a portion of a kist, payable for any month, if undischarged on the 1st of the next month, to be considered an arrear of revenue.

Every proprietor and farmer to pay the instalments for each month, on or before the 1st of the ensuing month, without waiting for the amount being demanded.

In the event of any arrear remaining undischarged, collector to issue a dustuck, or send a written notice, requiring payment within a given period.

In fixing such period, reference to be had to certain circumstances.

Proviso.

Should the arrear still remain unpaid, collector how to proceed.

Discretionary authority vested in the collector to discharge from arrest, conditionally, a defaulter or his surety.

II. If the whole or a portion of the kist or instalments payable for any month by a proprietor or a farmer of land, shall remain undischarged on the first of the following month, the sum so remaining unpaid is to be considered an arrear of revenue.

III. Every proprietor of land and farmer of land is to cause the whole of the instalments of each month to be paid into the treasury of the collector of the zillah, or to the tehsildar or other officer who may be appointed to receive the public revenue assessed on the estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the collector or tehsildar, or other officer.

IV. In the event of any arrear of revenue being undischarged on the first day of the month succeeding that for which the arrears may be due, the collector shall in ordinary cases either issue his dustuck by a peon, or send a written notice by letter through the agents of the parties in attendance at his cutcherry, requiring payment of the kist due within a certain period after the day on which the writing may be served. In fixing that period, reference shall be had to the distance of his place of residence from the estate or farm of the defaulter, so as to allow him a reasonable time to convey the money to the public treasury; and in determining which of the above modes of process shall be adopted, the collector shall be guided by a consideration of the credit and responsibility of the parties; provided, however, that in cases in which it may appear to the collector unnecessary to issue a written demand, previously to the adoption of ulterior measures for the recovery of any arrear of revenue, it shall be competent to him altogether to omit that process.

V. *First*.—If the arrear demanded be not discharged by the time prescribed in the requisition issued by the collector, or where a written demand may not have been issued by the 10th of the month, the collector shall issue dustucks under his seal and signature, and the peons serving such dustucks (if the amount in demand be not paid) are to bring the party or parties to whom they are addressed, whether proprietor, farmer, or the surety of either, without delay to the collector's cutcherry. The peons serving these dustucks shall be paid at the rates already established in the province. On the arrival of the defaulters, or their sureties, at the collector's station, the collector shall make inquiry into the circumstances of the case, and if the amount demandable be not paid, may keep the party or parties under arrest (in charge of the peons with whom they arrived or otherwise), during fifteen days from the date of their arrival; provided, however, that the collector may discharge the defaulter or his surety at any time within this period, on their satisfying him that they will make good the payment required from them before the expiration of the current Hindoo month. But if such satisfaction be not given, and the collector shall not judge proper, under the discretion vested in him by the existing Regulations, in regard to cases in which the proprietor or farmer of land may be unable to discharge the arrear from calamity of season, or other cause not originating in his or their

their neglect, mismanagement or misconduct, to suspend the imprisonment of the defaulter or his surety, he shall at the expiration of the fifteen days above specified, cause the party or parties to be conveyed to the jail of the nearest Court of Dewanny Adawlut, and shall apply to the Court by motion in writing, specifying the amount of the arrear due from the defaulter, and the date on which it became payable. The motion shall be made in open Court (if the Court shall be sitting) through the pleader of Government or other vakcel retained for the purpose, for the confinement of the defaulter; but if the Court shall not be sitting, the motion shall be presented to the Judge or Register out of Court. On receipt of the motion, the Judge or Register shall immediately order the defaulter to be confined in the jail of the Dewanny Adawlut, and detained until he shall have discharged the arrears for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the Court as above directed to have him released. In all cases in which defaulting farmers or proprietors of land, or the sureties of either, shall be put in confinement, it shall be optional with the collector, at his own discretion, to attach their lands and make the collections according to subsisting engagements, excepting such as are evidently collusive, to the end of the current year, or, at the request of the parties, to allow the estate to remain under the management of an agent appointed by them: Provided, however, that in either case, if the neat collections prove insufficient to discharge the arrears due, the estate shall be considered liable to sale by public auction, under the existing rules.

Defaulter, if not so discharged, to be conveyed at the end of fifteen days to the Dewanny jail.

In cases in which defaulters may be so confined, the collector may attach their land and make the collections.

Provido.

Second.—Provided also, that the collector may proceed to attach the estate of the defaulting proprietor or farmer, or the surety of either, without arresting his or their persons, in conformity with the rules established for that process by Regulation VII, of 1799, in any month of the year.

Collector may also attach the estate of a defaulting proprietor or farmer, or the surety of either, without arresting his or their persons.

Third.—Provided further, that if the collector shall be of opinion that instead of confining the person of the defaulter or the surety, and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter or his surety; or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer or surety, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the collector may cause the personal property of the defaulter or his surety to be distrained and sold, as far as shall be necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the Regulations, with regard to the distress and sale of personal property of under-tenants, for the recovery of arrears of rent due from them to proprietors and farmers.

Collector may distrain and sell any personal property belonging to the defaulter or his surety, for the recovery of the revenue.

Fourth.—Provided likewise, that whenever any portion of an instalment of revenue payable in any month, remains undischarged on the first of the following month, the collector may forthwith, or at any subsequent period (such arrear still remaining undischarged) with or without serving on the defaulter, whether a proprietor or farmer, a written demand, advertise lands the property of the defaulter or his surety for public sale, reporting the same with all convenient expedition to the Board of Revenue, or other authority exercising the powers of that Board; but the collector shall in no case proceed to the actual sale of the landed property of a defaulting proprietor or farmer, or the surety of either, without the express sanction of the Board or other authority aforesaid, previously obtained; and it shall be the duty of the revenue authorities to avoid having recourse to the public sale of the landed property of defaulters and their sureties, except in cases in which they may be satisfied that such a measure is necessary to the realization of the dues of Government, and that the other measures authorized in the preceding Sections would prove insufficient for that purpose.

Collector may advertise defaulter's lands for sale, giving notice thereof to the Board of Revenue, or other executive authority; but not to proceed to the actual sale of such lands, without the sanction of the Board or authority.

VI. With the view of preventing proprietors or farmers of land from withholding the payment of the public revenue, in order to derive the benefit of the use of the money, or otherwise applying it to their private purposes, it is hereby enacted, that in any case in which it shall appear to the collector, that a talookdar, zemindar, or other actual proprietor or farmer of land, has, without sufficient cause established to his satisfaction, withheld the payment of the public dues, the collector shall be authorized to charge the defaulter interest on the arrear at the rate of twelve per cent. per annum. The payment of the interest shall be enforced by the same process

Should a proprietor or farmer withhold the payment of revenue, with a view to derive benefit from the use of the money, collector to charge interest on the arrear.

which is prescribed by this Regulation for compelling the discharge of arrears of the stipulated public revenue.

Collectors of Cuttack and Hidgellee, in instances of arrears accruing within that district and pergunnah, to be careful to ascertain the real causes of the arrears, and authorized to suspend the exercise of the powers vested in them, in cases which may appear to deserve consideration.

To report such cases to the Board.

VII. Under the ample powers now vested in the collectors of Cuttack and Hidgellee, for ascertaining the assets of estates lying within the district and pergunnahs, to which this Regulation extends, by the process of attachment, and for bringing defaulters into their presence, as soon as an arrear becomes due, it is expected that in all instances of arrears accruing within the said district and pergunnahs, the above-named functionaries will be particularly careful to inform themselves, as far as possible, of the real cause of the arrear; viz. whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents, from calamity of season, or from any other cause. When the collector, from the report of his Mofussil officers, from personal observations, or from other information obtained by him, shall be satisfied that the defaulter, whether proprietor or farmer, is unable from real inability, not proceeding from any personal deficiency, to make good his arrears by the periods specified in Section V, either from the collections from his estate or farm, or from his private funds or property, he is directed to suspend the exercise of the powers vested in him for the confinement of the defaulter, the attachment of his estate, the distraint and sale of his or his surety's personal property, and immediate advertisement of his or his surety's landed property for sale by public auction; but the collector shall on such occasions immediately report all the circumstances of the case to the Board of Revenue, Commissioner, or other authority exercising the powers of that Board, and shall be guided by the instructions which he may receive from the Board or other authority aforesaid. In forwarding his monthly towjees also to the Board, or other authority exercising the powers of that Board, the collector shall state particularly the number of cases in which he has found it necessary to resort to coercive measures of the nature authorized in preceding Sections, as well as those in which he has considered it just and expedient to suspend the exercise of his powers; and the Board or other authority aforesaid, are hereby required to notice in their reports to the Governor General in Council on the towjee accounts of the district and pergunnahs aforesaid, the attention or otherwise of the collector to this important part of his duty.

Nothing in this Regulation to be understood as affecting existing Regulations for the collection of revenue in Cuttack, except such as are expressly superseded.

VIII. Nothing contained in this Regulation shall be understood to alter or affect any of the provisions of existing Regulations relative to the collection of the land revenue in the zillah of Cuttack, excepting where they are virtually or expressly superseded or modified by any of the above enactments.

A. D. 1818. REGULATION XI.

A REGULATION for modifying certain parts of Regulation XIII, 1816:—
Passed by the Governor General in Council on the 6th November 1818; corresponding with the 22d Kautick 1225 Bengal era; the 23d Kautick 1226 Fusly; the 23d Kautick 1226 Willaity; the 9th Kautick 1875 Sumbut; and the 6th Moherrum 1234 Higerec.

Preamble.

WHEREAS by Sections XXXIX and LXXVI, Regulation XIII, 1816, it is prescribed that all opium, excepting that which may be manufactured on account of Government, or sold by its authority, which may be found within the provinces dependent on the Presidency of Fort William; together with opium of whatsoever description, which may be found in the possession of any person not duly authorized, in quantity exceeding two tolahs weight, shall be considered contraband; and all persons, in whose possession such contraband opium may be found, are liable to the penalties prescribed in Section XLV, of the above-mentioned Regulation; and whereas it appears expedient to exempt, in certain cases, travellers and visitants from foreign states, from the operation of the above rules, and generally to enlarge the quantity of opium which individuals are permitted to have in their possession; and whereas it has likewise appeared advisable to modify certain other parts of the Regulation aforesaid; the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the Presidency of Fort William.

II. *First.*

II. First.—Section XXXIX, Regulation XIII, 1816, shall not be considered as authorizing the seizure and confiscation of any opium, the produce or manufacture of a foreign state or country, which may be found in the possession of any traveller or visitant from such foreign state or country, nor the seizure and confiscation of the carriages, cattle or packages on or in which the opium may be found; provided, that such opium do not exceed the quantity of two seers, and that it be *bonâ fide* intended for the private use and consumption of such traveller or visitant, or for the use and consumption of his attendants, and not for sale or traffic. Nor shall the Section above quoted be considered as authorizing the seizure and confiscation of any opium the produce or manufacture of a foreign state or country, which may be found in the possession of any dealers in horses from beyond the south-west frontier of the conquered provinces, travelling with a string of horses; nor the seizure and confiscation of the carriages, cattle or packages on or in which the opium may be found; provided, that such opium do not exceed the proportion of ten sicca weight for each horse.

Section XXXIX, Regulation XIII, 1816, not to authorize the seizure of foreign opium, when the quantity found in the possession of any traveller or visitant from a foreign state may not exceed two seers, and may be intended for private use.

Nor the seizure of opium found in the possession of dealers in horses, when the quantity may not exceed ten sicca weight for each horse.

Second.—In like manner Section XLV. of the said Regulation shall not be considered as authorizing the imposition of any fine or a sentence of imprisonment, on any such traveller or visitant, or dealer in horses, from a foreign state or country, in whose possession any greater quantity of opium, the produce or manufacture of any foreign state, may be found, than the quantity specified in the foregoing clause; nor the infliction of any other penalty besides the confiscation of the opium in excess to such limitation.

Section XLV. of the same Regulation not to authorize any penalties for a breach of the above rules, except the confiscation of the opium found in excess to such limitation.

Third.—Provided, however, that if any such traveller or visitant, or dealer in horses, shall at any time offer such opium for sale, or shall be proved to have at any time sold such opium, he or they shall be liable to all the penalties prescribed by the above quoted Regulation.

Penalty, if such foreign opium be offered for sale.

Fourth.—Provided also, that nothing contained in the above clauses, shall be considered applicable to persons fraudulently or clandestinely importing foreign opium into the provinces dependent on the Presidency of Fort William, in violation of the law: all such persons shall be and continue subject to the penalties which are or may be prescribed for illicit dealings in opium.

Penalty for the illicit dealings in foreign opium.

III. First.—In modification of Section LXXVI. of the above quoted Regulation, it is hereby declared, that all persons may have in their possession any quantity of opium, not exceeding five tolahs weight, of the weight in use at the public shops in the district, being opium duly manufactured on account of Government, or sold by its authority, and intended for private use and consumption, and not for sale or traffic.

Modification of Section LXXVI, Regulation XIII, 1816.

Second.—If a greater quantity of opium than that above specified shall be found on or in possession of any person not duly authorized, and not being of the description specified in Section II. of this Regulation, the opium shall be considered contraband, as heretofore, and the offender shall be liable to the penalties prescribed in the above quoted Section.

Under what circumstances the opium to be considered contraband.

Third.—Provided, however, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may deem it expedient to authorize native medical practitioners, or other individuals, to retain in their possession for medical purposes a larger quantity of opium than five tolahs weight, or to supply such persons with opium directly from the collector's office, at a lower price than it can be furnished by the licensed venders, the Board, or other authority aforesaid, shall be empowered to direct the collectors, or other officers in charge of the abkarry mehal, to grant to such persons a special license to that effect free of tax, and to supply them with opium on such terms as under the circumstances of the case may appear reasonable and proper.

Power referred to the Board of Revenue to allow native medical practitioners or other individuals to retain larger quantities of opium than five tolahs weight.

Fourth.—Parties receiving such licenses shall in no case sell or give any of the opium received by them under the above provision, unless for the purpose of its being *bonâ fide* administered under their own directions as medicine, in cases of actual sickness duly ascertained by them. All such licenses shall be liable at all times to be cancelled by the collector or other officer in charge of the abkarry mehal, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board; and any person having such a license, who shall sell or give opium to any person otherwise than for the purpose and in the manner above stated, or shall have in

Penalty for selling or giving away opium contrary to the purposes stated in the preceding clause.

his possession a larger quantity of opium than that specified in his license, shall be subject to all the penalties prescribed for the illicit vend and possession of the drug.

Rule for determining rewards for the seizure and confiscation of contraband opium.

IV. *First*.—In modification of the rules contained in Sections L. and LI, Regulation XIII, 1816, and the other provisions contained in that Regulation, for determining the rewards granted on the seizure and confiscation of contraband opium, it is hereby enacted, that all illicit opium that may be hereafter seized, shall be valued at seven rupees per seer, and that in all cases in which the rewards assigned to persons seizing contraband opium, or giving information leading to the seizure of such opium, or to European functionaries by whose subordinate officers a seizure is effected, are regulated by the quantity of opium seized and confiscated, the amount of such rewards shall be proportionably reduced; that is to say, in cases in which under the provisions of the said Regulation persons as aforesaid are entitled to a reward of two rupees eight annas per seer of eighty sicca weight on the quantity of opium confiscated, such persons shall henceforth receive for each seer one rupee twelve annas only, and in cases in which the reward now receivable is rupees five per seer, a reward of three rupees eight annas per seer shall be granted.

Rewards how to be determined in cases where the owner of opium may be seized and convicted, and in cases where the owner may not be apprehended and convicted.

Second.—Provided further, that the said rewards of one rupee twelve annas and three rupees eight annas per seer shall be granted only in cases in which the owners of opium seized and confiscated may be apprehended and convicted; and that in cases in which the said owners shall not be apprehended and convicted, the persons seizing the opium, or giving information leading to the seizure of it, and the European functionaries by whose subordinate officers the seizure may be effected, shall be entitled to one moiety only of the said rewards, viz. to fourteen annas, or one rupee twelve annas per seer, as the case may be.

A. D. 1818. REGULATION XII.

A REGULATION for extending the Powers of the Magistrates and Joint Magistrates in the Trial of Persons charged with breaking into Houses and other places of Habitation, or into Warehouses or other Places used for the custody of Property, with an intent to steal; or charged with Theft; or with buying or receiving Stolen Property, knowing the same to have been stolen; or charged with Escape from Jail or other place of Confinement:—Passed by the Governor General in Council on the 6th November 1818; corresponding with the 22d Kautick 1225 Bengal era; the 23d Kautick 1226 Fusly; the 23d Kautick 1226 Willaity; the 9th Kautick 1875 Sumbut; and the 6th Moherrem 1234 Higeree.

Preamble.

WHEREAS under the existing Regulations the magistrates are not empowered to pass any sentence of punishment upon prisoners who may be charged before them with the offence of breaking into or attempting to break into houses, tents, boats, or other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal, as defined in Section II, Regulation I, 1811, or with the offence of receiving or buying stolen goods, knowing the same to be stolen; and whereas much of the time of the Judges of Circuit is occupied in investigating these and some other offences, which from their character and from the circumstances attending their perpetration, do not very frequently demand any severe or exemplary degree of punishment; and whereas the prosecutors and witnesses in such cases are exposed to great distress and inconvenience in being compelled to attend, not only during the inquiry into such cases before the magistrates, but subsequently during the trial before the Court of Circuit; and whereas the prisoners themselves in such cases are sometimes subjected to a prolonged detention in custody previously to their trial at the sessions; and whereas some of the inconveniences above noticed will be obviated, and the ends of criminal justice will be more promptly and effectually obtained by investing the magistrates with certain powers with regard to the trial and punishment of persons charged with and convicted of such offences; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort William.

II. *First*.

II. First.—The zillah and city magistrates shall be guided by the following rules, whenever individuals may be apprehended and brought before them, on a charge of having committed the offence of breaking into, or attempting to break into a dwelling-house, tent, boat, or other place of habitation, by night or by day, with an intent to steal (but without open violence, such as to constitute the crime of robbery by open violence), or with the offence of breaking into, or attempting to break into any warehouse, storehouse, or other building or place used for the custody or preservation of property, either by night or by day, with an intent to steal (but without open violence;) or of being present, aiding and abetting in the commission of any of the offences above specified; or although not present, of having procured or caused the perpetration of any of those offences by hire, counsel or command; or of having in any manner confederated with the actual perpetrators of them, in pursuance of a preconcerted plan.

Rules for the guidance of magistrates on the trial of offenders charged with burglary.

Second.—If the perpetration of any of the offences enumerated in the preceding Clause, not amounting to the crime of robbery by open violence, shall be accompanied with murder, or with an attempt to commit murder, or with wounding, burning, corporal injury, or other aggravating act of personal violence; or if the prisoners or any of the prisoners concerned in the offences described in the preceding Clause, shall appear to have been before convicted of burglary, robbery or other heinous crime; or if the prisoners, or any of them, shall appear to be persons of notoriously bad character, or shall be charged with having committed the offence while employed in the office of watchmen, guards or police officers, as described in Section IV, Regulation III, 1805; or if the value or amount of the property stolen shall exceed the sum of one hundred rupees; in all such cases, it shall be the duty of the magistrate to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence, to take their trial before the Court of Circuit at the ensuing session.

In cases of burglary, attended with acts of violence, and certain other circumstances of aggravation, the magistrates to commit the offenders to the court of circuit.

Third.—In cases of conviction before the Court of Circuit of individuals charged with any of the offences above specified, the Judge of Circuit shall be guided by the rules contained in Section VIII, Regulation XVII, 1817, referring such cases as may come within the provisions of Clause second and Clause fourth of that Section, to the Court of Nizamut Adawlut, and in all other cases not coming within the provisions of those Clauses, sentencing the prisoners to suffer such degree of punishment, as on a consideration of all the circumstances of the case, may appear adequate to the offence; not exceeding, however, in any instance, thirty-nine stripes of the corah, and imprisonment with hard labour for fourteen years, with or without banishment from the district in which the prisoner may have resided.

Punishment to be awarded by courts of circuit on such offenders when convicted.

Fourth.—If from the investigation held by the magistrate, there shall appear reason to believe, that a prisoner apprehended and brought before him, has been guilty of any of the offences described in the first Clause of this Section, but that such offence has not been attended with any of the circumstances of aggravation specified in the second Clause of this Section, the magistrate shall, in addition to the evidence which may be adduced on the part of the prosecution, take the defence of the prisoners and the evidence of the witnesses who may be designated by the prisoners in support of their defence, and, after a full and deliberate investigation, shall proceed, without reference to the Court of Circuit, to pass sentence of acquittal or conviction.

Magistrates empowered to take cognizance of burglaries, unattended with the aggravating circumstances noticed in clause second.

Fifth.—If the prisoners be convicted, the magistrate is hereby empowered to sentence them to imprisonment with hard labour for a period not exceeding two years, and to corporal punishment not exceeding thirty stripes of the rattan, and to carry such sentence into immediate execution.

Punishment which the magistrates may inflict on offenders convicted of burglary before them.

III. First.—Under the existing Regulations, the magistrates are empowered to sentence prisoners convicted before them of theft, to imprisonment for a period not exceeding six months, with corporal punishment not exceeding thirty rattans; and in cases appearing to them to demand a more severe punishment, they are required to commit the prisoners for trial before the Court of Circuit. The following rules are now enacted, for extending the powers of the magistrates in the punishment of prisoners convicted of theft, and for defining the cases which are to be cognizable respectively by the magistrates and by the Courts of Circuit.

Rules for extending the powers of magistrates in the punishment of persons convicted of theft, and defining cases cognizable respectively by magistrates and courts of circuit.

Thefts in which the offenders must be committed for trial before the court of circuit.

Discretion vested in magistrates in committing prisoners accused of theft, for trial, although not charged with using personal violence.

Penalties to which such persons are liable on conviction before the court of circuit.

Magistrates to try and decide in all other cases of theft.

Punishment to which prisoners are declared liable in cases of theft cognizable by magistrates, if attended with aggravating circumstances.

Magistrate to refer other cases of theft to his assistant, or investigate them himself.

Sections VII. and VIII, Regulation I, 1811, rescinded, and rules enacted for the guidance of magistrates in investigating charges against receivers and buyers of stolen property.

Purchasers or receivers of stolen property, obtained under aggravating circumstances, to be tried before the court of circuit.

Punishment on conviction.

Second.—In all cases of theft, whether in a house, warehouse or other place, or from the person of another (not coming within the provisions of the Regulations in force for the punishment of robbery by open violence, or the provisions of Clause 1st, Section II, of this Regulation,) if the theft, or the attempt to commit the same, shall have been accompanied with murder, or with an attempt to commit murder, or with wounding, burning, severe corporal injury, or other aggravating act of personal violence, it shall be the duty of the magistrate to commit the whole of the prisoners, who may appear from the evidence adduced to have been concerned, either as principals or accomplices in the offence, to take their trial before the Court of Circuit at the ensuing session. The magistrate shall also exercise his discretion in committing for trial before the Court of Circuit any prisoners charged with theft, (although not attended with the aggravating circumstances above mentioned,) who from their notoriously bad character, or from their having been before convicted of a heinous offence, or from any other peculiar circumstances of the case, may appear to him deserving of a severer punishment than the magistrate is authorized to inflict under the following Clauses of this Section. Such persons, if convicted on trial before the Court of Circuit, will be liable to the penalties prescribed for the offences in question by the 2d, 4th, 5th and 7th Clauses of Section VIII, Regulation XVII, 1817.

Third.—With exception to the cases above mentioned, the magistrates shall hear and determine, without reference to the Courts of Circuit, all other cases of theft, and after having duly considered the evidence which may be adduced on the part of the prosecution and of the prisoner, shall pass sentence of acquittal or conviction.

Fourth.—In cases of theft cognizable by the magistrate under the foregoing rules, if the amount or value of the property stolen shall exceed fifty rupees, or if the persons committing the theft shall have been before convicted of theft, burglary, robbery, or other heinous offence; or if the prisoner shall have committed the offence while employed in the office of watchman, guard or police officer, as described in Section IV, Regulation III, 1805, or be a servant of the person from whom the property may have been stolen, or a servant employed in the house in which the theft may have been committed, as well as in all cases of cattle stealing, the magistrate shall be empowered, on proof of the guilt of the prisoner, to sentence him to imprisonment with hard labour for such period as may appear proper, not exceeding two years, and to corporal punishment not exceeding thirty stripes with a rattan.

Fifth.—In other cases of theft, not included in the foregoing provisions, the magistrate shall either refer the case for decision to his assistant, under the powers vested in the assistant to the magistrate by the Regulations in force, or shall proceed to investigate them himself, and to pass sentence on the prisoners under the powers vested in him by Section XIX, Regulation IX, 1807.

IV. First.—The provisions contained in Sections VII. and VIII, Regulation I, 1811, for the punishment of persons convicted of receiving or buying stolen or plundered property, knowing the same to have been stolen or plundered, are hereby rescinded, and the magistrate shall be guided by the following rules in the investigation of charges preferred against individuals for the offence of receiving or buying stolen goods, cattle, jewels, money or effects of whatever description, knowing the same to have been stolen.

Second.—All prisoners who may appear to the magistrate, from the investigation held by him, to be guilty of having purchased or received plundered or stolen property of any description, knowing at the time of his purchasing or receiving the same, that such property had been obtained in the perpetration of robbery by open violence, or of theft, accompanied with any of the aggravating circumstances described in the second Clause of Section II, or the second Clause of Section III, of this Regulation, shall be committed by the magistrate to take their trial before the Court of Circuit; and such persons, if convicted before the Court of Circuit of the offence of receiving or buying plundered or stolen goods, cattle, jewels, money or effects of whatever description, knowing at the time that such property had been obtained by robbery or by theft, accompanied with any of the aggravating circumstances described in the second Clause of Section II, or the second Clause of Section III, of this Regulation, shall be sentenced by the Judge of Circuit, according to the circumstances of the case, to such period of imprisonment as may appear proper, in no instance, however, exceeding fourteen years, and to corporal punishment not exceeding thirty-nine stripes of the corah.

Third.

Third.—The magistrate shall also be empowered to commit for trial to the Court of Circuit, any prisoner charged with the offence of buying or receiving stolen property of whatever description, knowing at the time that such property had been stolen, although the property may not have been obtained in the perpetration of theft, accompanied by any of the aggravating circumstances described in the second Clause of Section II, and the second Clause of Section III, of this Regulation; provided that the prisoner shall have been before convicted of the offence of buying or receiving stolen property, or of robbery, burglary theft or other heinous crime, or that the prisoner shall appear to be an habitual and professional receiver of stolen property, or a person of notoriously bad character; and such person shall, upon being duly convicted before the Court of Circuit, be liable to such punishment within the limitations prescribed in the preceding Clause of this Section, as the Court of Circuit may judge proper to direct, on a consideration of all the circumstances of the case.

Notorious offenders and common receivers of stolen property, obtained without violence, may be also tried before the court of circuit.

Fourth.—With exception to the cases above mentioned, the magistrate shall hear and determine, without reference to the Courts of Circuit, all other cases in which individuals may be charged with the offence of buying or receiving stolen property of whatever description, knowing it at the time to have been stolen, or with the offence of having in their possession property obtained by theft or robbery, and knowing at a period of time subsequently to its first coming into their possession, that such property had been so obtained, notwithstanding which they may have kept the stolen property in their possession without restoring it to the owner, or giving information to the local police officer or magistrate. In such cases the magistrate, after having duly considered the evidence in support of the prosecution, the defence of the prisoners, and the evidence of the witnesses designated by the prisoners, shall proceed to pass sentence of conviction or acquittal: if the prisoners be convicted, the magistrate is hereby empowered to sentence them to imprisonment with hard labour for a period not exceeding in any case two years, and to corporal punishment not exceeding thirty stripes of the rattan.

Magistrates empowered to hear and decide all other cases in which prisoners may be charged with buying or receiving stolen property.

Magistrates how to proceed in such cases.

Fifth.—It is hereby explained, that persons charged with the offences specified in the preceding Clauses of this Section, may be brought to trial and sentenced to punishment, although the actual perpetrators of the theft or robbery may not have been convicted; provided, however, that the fact of the theft or robbery having been committed be established, and it be proved that the purchaser or receiver knew that the property in question had been obtained by theft or robbery.

Receivers may be tried, and punished, although the actual thief or robber may not have been convicted.

Provido.

V. First.—The cases of convicts, or of prisoners ordered to be confined till they give security for good behaviour, who may effect their escape while under sentence or order of imprisonment, from a jail or other place of confinement, or from the custody of their guards, shall be cognizable by the magistrate, and upon conviction, the magistrate shall be empowered to sentence the offenders to corporal punishment not exceeding thirty stripes with a rattan, and (if sentenced to a limited period of imprisonment) to suffer such further period of imprisonment beyond the unexpired term of their original sentence, as he may judge proper; provided, however, that such additional imprisonment shall in no case exceed the period of two years. If the prisoner be in confinement under an order to find security for good behaviour, he may be sentenced to imprisonment for a specific term not exceeding two years.

Convicts, or prisoners confined for security, effecting their escape, to be tried by the magistrate.

Punishment on conviction.

Provido.

Second.—The cases of prisoners apprehended and detained in custody under examination on charges of a criminal nature, but not admitted to bail, who may effect their escape from a jail or other place of confinement, or from the custody of their guards, shall also be cognizable by the magistrates; and such prisoners being duly convicted of the offence in question, shall be liable to a sentence of imprisonment in no case exceeding six months.

Prisoners escaping from confinement, while under examination, to be tried and sentenced by the magistrate.

Third.—The Rules contained in the two preceding Clauses shall not, however, be considered applicable to the cases of convicts or other prisoners, who, in effecting their escape, or in attempting to effect their escape, shall be guilty of such a degree of violence towards their guards or other individuals, as may in its consequences involve the death, wounding or severe personal injury of any person or persons. In all cases of that nature it shall be the duty of the magistrate to commit the offender to take his trial before the Court of Circuit.

The foregoing rules declared inapplicable to convicts, who, in escaping from confinement, may be guilty of acts of serious personal violence.

Magistrates how to proceed in such cases.

VI. First.—In addition to the calendars of persons apprehended and discharged, or punished, which the magistrates are now required to submit to the Court of Circuit

Magistrates to submit separate lists to the courts of circuit, of all persons sentenced by them to a longer imprisonment than six months.

The Nizamut Adawlut and Courts of Circuit empowered to revise all such sentences and orders passed by the magistrates.

The powers vested in the magistrates extended to the superintendents of police and joint magistrates.

Darogahs, &c. entrusted with discretionary authority in apprehending and forwarding certain offenders to the magistrates.

Provido.

Further provision.

Such cases to be reported to the magistrates.

Magistrates how to proceed in such cases.

at the period of the sessions, it shall be the duty of the magistrates to furnish a separate list of all persons who may have been sentenced by them under the provisions of this Regulation, to a longer period of imprisonment than six months, showing the names of the prisoners, the crimes with which they may have been charged, and the sentences passed upon them; and it is hereby declared, that the powers vested in the Courts of Circuit, and in the Nizamut Adawlut, with regard to the revision of sentences and orders passed by the magistrates, shall be considered applicable to all sentences and orders passed by the magistrates under this Regulation.

Second.—The superintendents of police, and all officers vested with the powers of joint magistrates under the Regulations, are hereby declared competent to exercise the same powers and functions as are entrusted to the zillah and city magistrates under this Regulation.

VII. *First.*—By the first Clause of Section XXV, Regulation XX, 1817, the darogahs and other police officers are authorized to stay the process of arrest against persons accused of any of the offences specified in that Section (including house-breaking and theft,) until they can receive the magistrate's orders, when any special reason may appear why the issue of process for apprehending the party accused should be stayed. In further explanation of that Clause, it is hereby declared, that the darogahs and other police officers are empowered to postpone apprehending and forwarding to the magistrate persons charged with thefts, whether attended with burglary or otherwise; provided it shall appear that the offenders shall not have used any personal violence in the occurrence, and provided that the parties against whom the offence shall have been committed, shall express their desire that the offenders shall not be apprehended and conveyed before the magistrate; provided also, that the offenders have not previously been actually guilty of, or suspected of having committed theft, or burglary, or robbery.

Second.—Every case of this nature shall be fully and immediately reported by the police officers to the magistrate, who will either call for any further information which he may judge proper, or will at once determine, according to the circumstances of the case, whether it is or is not necessary, for the ends of justice, that the charge should be regularly investigated, and will issue his orders accordingly.

Third.—In the exercise of that discretion, the magistrate will be governed by any extenuating circumstances which may appear, such as the youth of the offender, his having been prompted to the offence (more especially in times of scarcity and famine) by extreme distress, and by his character appearing to have been previously respectable: under less favourable circumstances, the magistrate will also attend to the important object of preserving the honour of families, when the offender may be nearly connected with the party who has suffered the injury, and the latter may be anxious to exempt the offender from the infamy of a public ignominious punishment.

A. D. 1818. REGULATION XIII.

A REGULATION for extending for a further period of Three Years the existing Settlement of Cuttack, Pergunnah Puttaspore and its Dependencies, in all cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of the Land:—Passed by the Governor General in Council on the 20th November 1818; corresponding with the 6th Aughun 1225 Bengal era; the 8th Aughun 1226 Fusly; the 7th Aughun 1226 Willaity; the 7th Aughun 1875 Sumbut; and the 20th Moherrem 1224 Higreee.

Preamble.

WHEREAS the existing settlement of the district of Cuttack, the pergunnah Puttaspore and its dependencies, will expire with the present year, 1226 Umlee; and whereas an extension of the said settlement, at an equal jumma, in all cases in which it has been formed with zemindars or other proprietors of estates, is calculated to promote the interests of that class of persons, and will likewise afford due time to the revenue officers to collect the materials necessary for the formation of a settlement on proper principles; and whereas it appears expedient to make a distinct provision for determining the amount of malikana to be allowed to those zemindars or other proprietors who shall decline to enter into engagements for their estates; the following Rules have been enacted, to be in force from the date of their promul-
gation

gation in the district of Cuttack, and in the pergunnah of Puttaspore, and its dependencies.

II. The existing settlement of the land revenue of the district of Cuttack, and of the pergunnah Puttaspore and its dependencies, shall, in all cases in which it may have been concluded with zemindars, or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Umlee, subject to the following provisions.

III. If any zemindars or other proprietors of estates within the said district and pergunnah and its dependencies, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the year 1229 Umlee, they shall notify the same to the Collector of Cuttack, or to the Collector of Hidgellee, according as the lands may be subject to the authority of either of those officers, on or before the 1st March 1819; corresponding with the 19th Phagoon 1225 Bengal era; the 19th Phagoon 1226 Fusly; the 20th Phagoon 1226 Willaity; the 5th Phagoon 1875 Sumbut; and the 3d Jumadoolawal 1234 Higeree.

IV. All zemindars who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible, for the payment of the same revenue, during the ensuing three years, viz. until the expiration of the year 1229 Umlee, as may be demandable from them on account of the present year, under the provisions of Regulation VI, 1816, or under distinct engagements entered into by such proprietors.

V. With respect to estates which are at present let to farm, and of which the leases will expire with the present year, as well as estates now held khaus, the settlement of all such lands shall be formed for the ensuing three years with the zemindars, or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue, on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.

VI. In cases in which the zemindars or other proprietors may relinquish the management of their estates under the option given to them by Section III. of this Regulation, or who may otherwise decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, and in cases in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, and it shall be competent in such cases to the said authorities to let the lands in farm for such period not exceeding ten years, as the Governor General in Council shall appoint, or to assume the direct management of them. In all such cases the recusing zemindars shall be entitled from and after the commencement of the ensuing Umlee year, to receive an allowance as malikana, at such rate as the Board of Revenue, the Commissioner in Cuttack, or other officer exercising the powers of the said Board, shall in each case determine; any thing in the existing Regulations notwithstanding: Provided, however, that the said allowance shall not in any case be less than five per cent. on the net amount realized by Government from the lands, nor shall it exceed ten per cent. on that amount, without the special sanction of the Governor General in Council: Provided further, that if the said recusing zemindars or other proprietors, shall in any case be in the receipt of any allowance in lieu of the nankar, formerly granted to them by the Marhatta Government, under the provisions of Regulation XII, 1805, the amount of such nankar allowance shall be deducted from the malikana, to which they are by this Section declared to be entitled.

The settlement of Cuttack and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1229 Umlee.

Zemindars who may be unwilling to continue their engagements to the year 1229 Umlee, to notify the same to the collector on or before the 1st March 1819.

Zemindars liable to the payment of the same revenue as before, if they do not make such notification.

Settlement how to be formed of estates now let to farm or held khaus.

Revenue authorities how to proceed in cases where the zemindars or proprietors may relinquish the management of their estates, and in cases where no proprietors of lands may be forthcoming.

Recusing zemindars entitled to an allowance as malikana.

At what rate the malikana to be fixed

All nankar allowance enjoyed by a recusing zemindar, to be deducted from the malikana authorized under the present Regulation.

A. D. 1818. REGULATION XIV.

A REGULATION for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the Rules in force respecting those Coins:—Passed by the Governor General in Council on the 24th December 1818; corresponding with the 11th Poose 1225 Bengal era; the 12th Poose 1226 Willaity; the 12th Poose 1875 Sumbut; and the 25th Suffer 1234 Higeree.

THE high standards established for the gold mohur and sicca rupee, having been found productive of many inconveniences, both to individuals and the public, inas-

Preamble.

much as they are ill calculated to resist the wear and defacement to which coins are necessarily exposed, and as they are only to be obtained by having recourse to the expensive process of refining, diminishing consequently the productiveness of most of the sorts of bullion imported into the Company's territories; and it being desirable also that as much uniformity as can be established between the currencies circulating at the different Presidencies, should be introduced, consequently that an approximation of the standard of the Calcutta coins to the standard of those current at Madras and Bombay should be effected, it has been resolved to rescind the provisions of former Regulations relative to the standard of the gold mohur and nineteenth sun sicca rupee, and to coin in future money of the proportions hereafter to be specified.

As a reduction in the value of the sicca rupees, from its being in great measure the money of account, both in private and public transactions, would necessarily change the terms of all existing contracts, and might be productive of embarrassment and trouble, it has been determined to leave the rupee unaltered in this respect; and the new Calcutta sicca rupee will consequently contain the same quantity of fine silver as that heretofore struck, and being of the same intrinsic value, will circulate on the same terms. The mint proportions of silver and gold being, it is believed, inaccurately estimated at present, and it being also desirable that an uniformity in this respect should be introduced at the three Presidencies of Calcutta, Madras and Bombay, it has been thought advisable to make a slight deduction in the intrinsic value of the gold mohur, to be coined at this Presidency, in order to raise the relative value of fine gold to fine silver, from the present rates of 1 to 14.861 to that of 1 to 15. The gold mohur will still continue to pass current at the present rate of sixteen rupees. For the purposes and objects above enumerated the following provisions are hereby enacted and declared to be in force from the 1st of January 1819.

Part of Section II, Regulation XXXV, 1793, rescinded.

I. *First*.—So much of Section II, Regulation XXXV, 1793, as fixes the weight and standard of the nineteenth sun sicca rupee and gold mohur, is hereby rescinded.

Specification of the weight and standard of the Calcutta sicca rupee and gold mohur.

Second.—The weight and standard of the Calcutta sicca rupee and gold mohur and their respective divisions, shall be as follows:

Gold Mohur Weight:			Gold.	Fine Gold.	Alloy.
Grs.	-	-	204.710	187.651	17.059
Half ditto	-	-	102.355	93.825	8.529
Quarter ditto	-	-	51.177	46.912	4.264
Sicca Rupee Weight:			Silver.	Fine Silver.	Alloy.
Grs.	-	-	191.916	175.923	15.993
Half ditto	-	-	95.958	87.961	7.997
Quarter ditto	-	-	47.979	43.981	3.998

Sicca rupees and gold mohurs of the weight and standard specified in the preceding section, to be considered as legal tenders.

II. All Calcutta sicca rupees and gold mohurs of the weight and standard specified in Section I, which may be coined in the Calcutta mint after the 1st of January 1819, and also their halves and quarters, are to be considered as legal tender of payment in all public and private transactions throughout the provinces of Bengal, Behar and Orissa, in like manner as the nineteenth sun sicca rupees and gold mohurs, and the fractional parts of them now in circulation; and any native officer of Government refusing to receive them, shall be subject to the penalty prescribed in Section III, Regulation XXXV, 1793.

Section II, Regulation II, 1812, rescinded.

III. *First*.—The following provisions shall be substituted for those of Section II, Regulation II, 1812, which are hereby rescinded.

Duty to be levied on bullion or coin delivered into the Calcutta mint for coinage.

Second.—All silver bullion or coin (not being struck at the Calcutta mint) which may be delivered into that mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, in sicca rupees of the above weight and standard; and the amount of the said duty shall be accordingly deducted from the return to be made to the proprietor.

Duty to be levied if the proprietor shall desire to have his bullion or coin converted into halves or quarters of rupees.

Third.—Individuals who may be desirous of it, shall be at liberty to have their bullion or coin converted into halves or quarters of the above rupee, on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. established by the preceding Clause,

Fourth.

Fourth.—Should, however, the coin brought to the mint for that purpose, consist of Calcutta siccas of the former or present weight and standard, the proprietors shall only be subject to the additional duty of one per cent. and not to the duty on all other coin and bullion. Duty to be levied if such coin shall consist of Calcutta siccas.

Fifth.—On delivery of the silver bullion or coin into the mint, the mint master shall grant to the proprietor a receipt, entitling him to a certificate from the assay master, for the net produce of such bullion or coin, agreeably to the Table subjoined to this Regulation, and marked (No. 1.) payable at the General Treasury at Calcutta, at the expiration of ten days, if the produce be deliverable in whole rupees; and at the expiration of twenty days, if the produce be deliverable in halves or quarters of a rupee, from the date of such certificate. In the latter case, the additional duty established by Clause third, Section IV, of this Regulation, is of course to be deducted from the net produce. Course of proceeding to be observed when silver bullion or coin shall be delivered into the mint.

IV. Section III, Regulation II, 1812, is hereby declared applicable to rupees, half and quarter rupees, coined in conformity with the provisions of this Regulation; provided, however, that all such rupees, halves and quarters, shall be receivable in all public and private transactions, if, when separately weighed, the deficiency in point of weight, be not more than two pice, or grains Troy 1.999 per rupee. Application of Section III, Regulation II, 1812, to rupees, half and quarter rupees, coined in conformity with this Regulation.

V. *First.*—The following rules shall be observed in lieu of the third and fourth Clauses of Section V, Regulation II, 1812, which are hereby rescinded. Clauses 3d and 4th, Section V, Regulation II, 1812, rescinded.

Second.—For all gold bullion or coin equal to, or better than the standard prescribed for the gold mohur by this Regulation, which may be brought to the mint for coinage, a number of the new gold mohurs, or of the halves and quarters of such mohurs, equal to the produce of such bullion, shall be returned to the proprietor, after deducting the duty of $2\frac{1}{2}$ per cent. as mentioned in Clause second, Section V, Regulation II, 1812. Mode of proceeding when gold bullion or coin brought to the mint for coinage, shall be equal to or better than the standard prescribed for the gold mohur, by this Regulation.

Third.—All gold bullion or gold coin, being under the above specified standard, which may be delivered into the Calcutta mint for coinage, shall, in addition to the duty of two rupees eight annas per cent. fixed by Clause second, Section V, Regulation II, 1812, be subject to a charge, on account of the loss and expense of refining agreeably to Table (No. 2.) annexed to this Regulation, together with the established deduction on account of the inferiority of standard. Mode of proceeding when it may be inferior to the above specified standard.

VI. Such parts of Regulation XXXV, of 1793, and Regulation II, 1812, as are not repealed by the above Regulation, shall be considered as still in force. Certain provisions of Regulation XXXV, 1793, and Regulation II, 1812, to be still in force.

(No. 1.)

TABLE of the Produce of Silver Bullion in the Calcutta Mint, commencing the 1st January 1819.

Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Sicca Rupees.
<i>Dwt.</i>							
20 Br.	9.091	- -	- -	109.091	102.128	2.043	100.085
19½ Br.	8.864	- -	- -	108.864	101.915	2.038	99.877
19 Br.	8.636	- -	- -	108.636	101.702	2.034	99.668
18½ Br.	8.409	- -	- -	108.409	101.489	2.030	99.459
18 Br.	8.182	- -	- -	108.182	101.277	2.026	99.251
17½ Br.	7.955	- -	- -	107.955	101.064	2.021	99.043
17 Br.	7.727	- -	- -	107.727	100.851	2.017	98.834
16½ Br.	7.500	- -	- -	107.500	100.638	2.013	98.625
16 Br.	7.273	- -	- -	107.273	100.426	2.008	98.418
15½ Br.	7.045	- -	- -	107.045	100.212	2.004	98.208
15 Br.	6.818	- -	- -	106.818	100.000	2.000	98.000
14½ Br.	6.591	- -	- -	106.591	99.787	1.996	97.791
14 Br.	6.364	- -	- -	106.364	99.575	1.991	97.584
13½ Br.	6.136	- -	- -	106.136	99.361	1.987	97.374
13 Br.	5.909	- -	- -	105.909	99.149	1.983	97.166
12½ Br.	5.682	- -	- -	105.682	98.936	1.979	96.957
12 Br.	5.455	- -	- -	105.455	98.724	1.974	96.750
11½ Br.	5.227	- -	- -	105.227	98.510	1.970	96.540
11 Br.	5.000	- -	- -	105.000	98.298	1.966	96.332
10½ Br.	4.773	- -	- -	104.773	98.085	1.962	96.123
10 Br.	4.545	- -	- -	104.545	97.873	1.957	95.915

(continued.)

Standard.	Dental Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Sicca Rupees.
<i>Dots.</i>							
9½ Br.	4.318	-	-	104.318	97.659	1.953	95.706
9 Br.	4.091	-	-	104.091	97.447	1.949	95.498
8½ Br.	3.864	-	-	103.864	97.234	1.945	95.289
8 Br.	3.636	-	-	103.636	97.021	1.940	95.081
7½ Br.	3.409	-	-	103.409	96.808	1.936	94.872
7 Br.	3.182	-	-	103.182	96.596	1.931	94.665
6½ Br.	2.955	-	-	102.955	96.383	1.928	94.455
6 Br.	2.727	-	-	102.727	96.170	1.923	94.247
5½ Br.	2.500	-	-	102.500	95.957	1.919	94.038
5 Br.	2.273	-	-	102.273	95.745	1.915	93.830
4½ Br.	2.045	-	-	102.045	95.531	1.911	93.620
4 Br.	1.818	-	-	101.818	95.319	1.906	93.413
3½ Br.	1.591	-	-	101.591	95.106	1.902	93.204
3 Br.	1.364	-	-	101.364	94.894	1.898	92.996
2½ Br.	1.136	-	-	101.136	94.680	1.894	92.786
2 Br.	.909	-	-	100.909	94.468	1.889	92.579
Eng. Std.							
1½ Br.	.682	-	-	100.682	94.255	1.885	92.370
1 Br.	.455	-	-	100.455	94.043	1.881	92.162
¾ Br.	.227	-	-	100.227	93.830	1.877	91.953
Standard.	.000	-	-	100.000	93.617	1.872	91.745
½ W.	.227	-	.227	99.773	93.404	1.868	91.536
1 W.	.455	-	.455	99.545	93.191	1.864	91.327
1½ W.	.682	-	.682	99.318	92.979	1.860	91.119
2 W.	.909	-	.909	99.091	92.766	1.855	90.911
2½ W.	1.136	-	1.136	98.864	92.554	1.851	90.703
3 W.	1.364	-	1.364	98.636	92.341	1.847	90.494
3½ W.	1.591	-	1.591	98.409	92.128	1.843	90.285
4 W.	1.818	-	1.818	98.182	91.915	1.838	90.077
4½ W.	2.045	-	2.045	97.955	91.703	1.834	89.869
5 W.	2.273	-	2.273	97.727	91.489	1.830	89.659
5½ W.	2.500	-	2.500	97.500	91.277	1.826	89.451
Sp. Dr. Std.							
6 W.	2.727	-	2.727	97.273	91.064	1.821	89.243
6½ W.	2.955	.297	3.252	96.748	90.573	1.811	88.762
7 W.	3.182	.445	3.627	96.373	90.222	1.804	88.418
7½ W.	3.409	.592	4.001	95.999	89.871	1.797	88.074
8 W.	3.636	.744	4.380	95.620	89.517	1.790	87.727
8½ W.	3.864	.901	4.765	95.235	89.156	1.783	87.373
9 W.	4.091	1.058	5.149	94.851	88.797	1.776	87.021
9½ W.	4.318	1.064	5.382	94.618	88.579	1.771	86.808
10 W.	4.545	1.072	5.617	94.383	88.359	1.767	86.592
10½ W.	4.773	1.078	5.851	94.149	88.139	1.763	86.376
11 W.	5.000	1.088	6.088	93.912	87.918	1.758	86.160
11½ W.	5.227	1.100	6.327	93.673	87.694	1.754	85.940
12 W.	5.455	1.112	6.567	93.433	87.469	1.749	85.720
12½ W.	5.682	1.125	6.807	93.193	87.244	1.745	85.499
13 W.	5.909	1.138	7.047	92.953	87.020	1.740	85.280
13½ W.	6.136	1.150	7.286	92.714	86.796	1.736	85.060
14 W.	6.364	1.161	7.525	92.475	86.572	1.731	84.841
14½ W.	6.591	1.173	7.764	92.236	86.349	1.727	84.622
15 W.	6.818	1.186	8.004	91.996	86.124	1.722	84.402
15½ W.	7.045	1.196	8.241	91.759	85.902	1.718	84.184
16 W.	7.273	1.208	8.481	91.519	85.677	1.713	83.964
16½ W.	7.500	1.220	8.720	91.280	85.454	1.709	83.745
17 W.	7.727	1.233	8.960	91.040	85.229	1.704	83.525
17½ W.	7.955	1.250	9.205	90.795	85.000	1.700	83.300
18 W.	8.182	1.268	9.450	90.550	84.770	1.695	83.075
18½ W.	8.409	1.287	9.696	90.304	84.540	1.691	82.849
19 W.	8.636	1.305	9.941	90.059	84.311	1.686	82.625
19½ W.	8.864	1.321	10.185	89.815	84.082	1.682	82.400
20 W.	9.091	1.339	10.430	89.570	83.853	1.677	82.176
20½ W.	9.318	1.357	10.675	89.325	83.623	1.672	81.951
21 W.	9.545	1.373	10.918	89.082	83.396	1.668	81.728
21½ W.	9.773	1.404	11.177	88.828	83.158	1.663	81.490
22 W.	10.000	1.434	11.434	88.566	82.913	1.658	81.255
22½ W.	10.227	1.466	11.693	88.307	82.670	1.653	81.017
23 W.	10.455	1.496	11.951	88.049	82.429	1.648	80.781
23½ W.	10.682	1.526	12.208	87.792	82.188	1.644	80.544
24 W.	10.909	1.555	12.464	87.536	81.949	1.639	80.310
24½ W.	11.136	1.585	12.721	87.279	81.708	1.634	80.074
25 W.	11.364	1.615	12.979	87.021	81.466	1.629	79.837
25½ W.	11.591	1.649	13.240	86.760	81.222	1.624	79.598
26 W.	11.818	1.683	13.501	86.499	80.978	1.620	79.358
26½ W.	12.045	1.717	13.762	86.238	80.733	1.614	79.119

Standard.	Decimal Addition or Reduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Net Produce Sicca Rupees.
<i>Dwt.</i>							
27 W.	12.273	1.751	14.024	85.976	80.488	1.610	78.878
27 $\frac{1}{2}$ W.	12.500	1.800	14.300	85.700	80.230	1.605	78.625
28 W.	12.727	1.850	14.577	85.423	79.970	1.599	78.371
28 $\frac{1}{2}$ W.	12.955	1.900	14.855	85.145	79.710	1.594	78.116
29 W.	13.182	1.950	15.132	84.868	79.451	1.589	77.862
29 $\frac{1}{2}$ W.	13.409	2.010	15.419	84.581	79.182	1.584	77.598
30 W.	13.636	2.068	15.704	84.296	78.915	1.578	77.337
30 $\frac{1}{2}$ W.	13.864	2.168	15.992	84.008	78.646	1.573	77.073
31 W.	14.091	2.183	16.274	83.726	78.382	1.568	76.814
31 $\frac{1}{2}$ W.	14.318	2.240	16.558	83.442	78.116	1.562	76.554
32 W.	14.545	2.296	16.841	83.159	77.851	1.557	76.294
32 $\frac{1}{2}$ W.	14.773	2.349	17.122	82.878	77.588	1.552	76.036
33 W.	15.000	2.398	17.398	82.602	77.330	1.547	75.783
33 $\frac{1}{2}$ W.	15.227	2.444	17.671	82.329	77.074	1.541	75.533
34 W.	15.455	2.485	17.940	82.060	76.822	1.536	75.286
34 $\frac{1}{2}$ W.	15.682	2.511	18.193	81.807	76.585	1.532	75.053
35 W.	15.909	2.536	18.445	81.555	76.349	1.527	74.822

(No. 2.)

TABLE of the Produce of Gold Bullion in the Calcutta Mint, commencing the 1st January 1819.

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sicca Weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net Produce in Gold Mohurs.
<i>Cars. Grs. Qrs.</i>							
2. 0. Br.	9.99091	-	-	109.99091	95.74485	2.39362	93.35123
1. 3. Br.	8.80682	-	-	108.80682	95.42551	2.38739	93.10812
1. 3. Br.	8.52273	-	-	108.52273	95.24618	2.38115	92.86503
1. 3. Br.	8.23864	-	-	108.23864	94.99684	2.37492	92.62192
1. 3. Br.	7.95455	-	-	107.95455	94.74751	2.36869	92.37882
1. 2. Br.	7.67046	-	-	107.67046	94.49817	2.36245	92.13572
1. 2. Br.	7.38636	-	-	107.38636	94.24883	2.35622	91.89261
1. 2. Br.	7.10227	-	-	107.10227	93.99949	2.34999	91.64950
1. 2. Br.	6.81818	-	-	106.81818	93.75016	2.34375	91.40641
1. 1. Br.	6.53409	-	-	106.53409	93.50082	2.33752	91.16330
1. 1. Br.	6.25000	-	-	106.25000	93.25149	2.33129	90.92020
1. 1. Br.	5.96591	-	-	105.96591	93.00216	2.32505	90.67711
1. 1. Br.	5.68182	-	-	105.68182	92.75282	2.31882	90.43400
1. 0. Br.	5.39773	-	-	105.39773	92.50349	2.31259	90.19090
1. 0. Br.	5.11364	-	-	105.11364	92.25416	2.30635	89.94781
1. 0. Br.	4.82956	-	-	104.82956	92.00483	2.30012	89.70471
1. 0. Br.	4.54545	-	-	104.54545	91.75547	2.29389	89.46158
0. 3. Br.	4.26136	-	-	104.26136	91.50614	2.28765	89.21849
0. 3. Br.	3.97727	-	-	103.97727	91.25680	2.28142	88.97538
0. 3. Br.	3.69318	-	-	103.69318	91.00747	2.27519	88.73228
0. 3. Br.	3.40909	-	-	103.40909	90.75813	2.26895	88.48918
0. 2. Br.	3.12500	-	-	103.12500	90.50880	2.26272	88.24608
0. 2. Br.	2.84091	-	-	102.84091	90.25946	2.25649	88.00297
0. 2. Br.	2.55682	-	-	102.55682	90.01013	2.25025	87.75988
0. 2. Br.	2.27273	-	-	102.27273	89.76079	2.24402	87.51677
0. 1. Br.	1.98864	-	-	101.98864	89.51146	2.23779	87.27367
0. 1. Br.	1.70455	-	-	101.70455	89.26213	2.23155	87.03057
0. 1. Br.	1.42045	-	-	101.42045	89.01278	2.22532	86.78746
0. 1. Br.	1.13636	-	-	101.13636	88.76345	2.21909	86.54436
0. 0. Br.	.85227	-	-	100.85227	88.51411	2.21285	86.30126
0. 0. Br.	.56818	-	-	100.56818	88.26478	2.20662	86.05816
0. 0. Br.	.28409	-	-	100.28409	88.01544	2.20039	85.81505
Standard.	.00000	-	-	100.00000	87.76611	2.19415	85.57196
0. 0. W.	.28409	.50000	.78409	99.21591	87.07794	2.17695	84.90099
0. 0. W.	.56818	.50000	1.06818	98.33182	86.82861	2.17072	84.65789
0. 0. W.	.85227	.50000	1.35227	98.64773	86.57927	2.16448	84.41479
0. 1. W.	1.13636	.50000	1.63636	98.36364	86.32994	2.15825	84.17169
0. 1. W.	1.42045	.50000	1.92045	98.07955	86.08060	2.15202	83.92858
0. 1. W.	1.70455	.50000	2.20455	97.79545	85.83126	2.14578	83.68548
0. 1. W.	1.98864	.50000	2.48864	97.51136	85.58193	2.13955	83.44238
0. 2. W.	2.27273	.50000	2.77273	97.22727	85.33259	2.13331	83.19928
0. 2. W.	2.55682	.50000	3.05682	96.94318	85.08326	2.12708	82.95618
0. 2. W.	2.84091	.50000	3.34091	96.65909	84.83392	2.12085	82.71307

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(continued.)

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sicca Weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net Produce in Gold Mohurs.
0. 2. 1/2 W.	3.12500	.50000	3.62500	96.37500	84.58459	2.11461	82.46998
0. 3. 1/2 W.	3.40909	.50000	3.90909	96.09091	84.33525	2.10838	82.22687
0. 3. 1/4 W.	3.69318	.50000	4.19318	95.80682	84.08592	2.10215	81.98377
0. 3. 1/8 W.	3.97727	.50000	4.47727	95.52273	83.83659	2.09591	81.74068
0. 3. 1/16 W.	4.26136	.50000	4.76136	95.23864	83.58725	2.08968	81.49757
1. 0. 1/2 W.	4.54545	.50000	5.04545	94.95455	83.33791	2.08345	81.25446
1. 0. 1/4 W.	4.82955	.50000	5.32955	94.67045	83.08857	2.07721	81.01136
1. 0. 1/8 W.	5.11364	.50000	5.61364	94.38636	82.83923	2.07098	80.76825
1. 0. 1/16 W.	5.39773	.50000	5.89773	94.10227	82.58990	2.06475	80.52515
1. 1. 1/2 W.	5.68182	.50000	6.18182	93.81818	82.34057	2.05851	80.28206
1. 1. 1/4 W.	5.96591	1.00000	6.96591	93.03409	81.65240	2.04131	79.61109
1. 1. 1/8 W.	6.25000	1.00000	7.25000	92.75000	81.40307	2.03508	79.36799
1. 1. 1/16 W.	6.53409	1.00000	7.53409	92.46591	81.15373	2.02884	79.12489
1. 2. 1/2 W.	6.81818	1.00000	7.81818	92.18182	80.90440	2.02261	78.88179
1. 2. 1/4 W.	7.10227	1.00000	8.10227	91.89773	80.65506	2.01638	78.63868
1. 2. 1/8 W.	7.38636	1.00000	8.38636	91.61364	80.40573	2.01014	78.39559
1. 2. 1/16 W.	7.67045	1.00000	8.67045	91.32955	80.15639	2.00391	78.15248
1. 3. 1/2 W.	7.95455	1.00000	8.95455	91.04545	79.90705	1.99768	77.90937
1. 3. 1/4 W.	8.23864	1.00000	9.23864	90.76136	79.65771	1.99144	77.66627
1. 3. 1/8 W.	8.52273	1.00000	9.52273	90.47727	79.40838	1.98521	77.42317
1. 3. 1/16 W.	8.80682	1.00000	9.80682	90.19318	79.15904	1.97898	77.18006
2. 0. 1/2 W.	9.09091	1.00000	10.09091	89.90909	78.90971	1.97274	76.93697
2. 0. 1/4 W.	9.37500	1.00000	10.37500	89.62500	78.66037	1.96651	76.69336
2. 0. 1/8 W.	9.65909	1.00000	10.65909	89.34091	78.41104	1.96028	76.45076
2. 0. 1/16 W.	9.94318	1.00000	10.94318	89.05682	78.16170	1.95404	76.20766
2. 1. 1/2 W.	10.22727	1.00000	11.22727	88.77273	77.91237	1.94781	75.96456
2. 1. 1/4 W.	10.51136	1.00000	11.51136	88.48864	77.66304	1.94158	75.72146
2. 1. 1/8 W.	10.79545	1.00000	11.79545	88.20455	77.41370	1.93534	75.47836
2. 1. 1/16 W.	11.07955	1.00000	12.07955	87.92045	77.16436	1.92911	75.23525
2. 2. 1/2 W.	11.36364	1.00000	12.36364	87.63636	76.91502	1.92288	74.99214
2. 2. 1/4 W.	11.64773	1.50000	13.14773	86.85227	76.22686	1.90567	74.32119
2. 2. 1/8 W.	11.93182	1.50000	13.43182	86.56818	75.97752	1.89944	74.07808
2. 2. 1/16 W.	12.21591	1.50000	13.71591	86.28409	75.72819	1.89320	73.83499
2. 3. 1/2 W.	12.50000	1.50000	14.00000	86.00000	75.47885	1.88697	73.59188
2. 3. 1/4 W.	12.78409	1.50000	14.28409	85.71591	75.22952	1.88074	73.34878
2. 3. 1/8 W.	13.06818	1.50000	14.56818	85.43182	74.98018	1.87450	73.10568
2. 3. 1/16 W.	13.35227	1.50000	14.85227	85.14773	74.73085	1.86827	72.86258
3. 0. 1/2 W.	13.63636	1.50000	15.13636	84.86364	74.48151	1.86204	72.61947
3. 0. 1/4 W.	13.92045	1.50000	15.42045	84.57955	74.23218	1.85580	72.37638
3. 0. 1/8 W.	14.20455	1.50000	15.70455	84.29545	73.98284	1.84957	72.13327
3. 0. 1/16 W.	14.48864	1.50000	15.98864	84.01136	73.73350	1.84334	71.89016
3. 1. 1/2 W.	14.77273	1.50000	16.27273	83.72727	73.48417	1.83710	71.64707
3. 1. 1/4 W.	15.05682	1.50000	16.55682	83.44318	73.23483	1.83087	71.40396
3. 1. 1/8 W.	15.34091	1.50000	16.84091	83.15909	72.98550	1.82464	71.16086
3. 1. 1/16 W.	15.62500	1.50000	17.12500	82.87500	72.73616	1.81840	70.91776
3. 2. 1/2 W.	15.90909	1.50000	17.40909	82.59091	72.48683	1.81217	70.67466
3. 2. 1/4 W.	16.19318	1.50000	17.69318	82.30682	72.23749	1.80594	70.43155
3. 2. 1/8 W.	16.47727	1.50000	17.97727	82.02273	71.98816	1.79970	70.18846
3. 2. 1/16 W.	16.76136	1.50000	18.26136	81.73864	71.73882	1.79347	69.94535
3. 3. 1/2 W.	17.04545	1.50000	18.54545	81.45455	71.48949	1.78724	69.70225
3. 3. 1/4 W.	17.32955	2.00000	19.32955	80.67045	70.80131	1.77003	69.03128
3. 3. 1/8 W.	17.61364	2.00000	19.61364	80.38636	70.55198	1.76380	68.78818
3. 3. 1/16 W.	17.89773	2.00000	19.89773	80.10227	70.30264	1.75757	68.54507
4. 0. 1/2 W.	18.18182	2.00000	20.18182	79.81818	70.05331	1.75133	68.30198
4. 0. 1/4 W.	18.46591	2.00000	20.46591	79.53409	69.80398	1.74510	68.05888
4. 0. 1/8 W.	18.75000	2.00000	20.75000	79.25000	69.55464	1.73887	67.81577
4. 0. 1/16 W.	19.03409	2.00000	21.03409	78.96591	69.30531	1.73263	67.57268
4. 1. 1/2 W.	19.31818	2.00000	21.31818	78.68182	69.05597	1.72640	67.32957
4. 1. 1/4 W.	19.60227	2.00000	21.60227	78.39773	68.80664	1.72017	67.08647
4. 1. 1/8 W.	19.88636	2.00000	21.88636	78.11364	68.55730	1.71393	66.84337
4. 1. 1/16 W.	20.17045	2.00000	22.17045	77.82955	68.30797	1.70770	66.60027
4. 2. 1/2 W.	20.45455	2.00000	22.45455	77.54545	68.05864	1.70147	66.35715
4. 2. 1/4 W.	20.73864	2.00000	22.73864	77.26136	67.80929	1.69523	66.11406
4. 2. 1/8 W.	21.02273	2.00000	23.02273	76.97727	67.55995	1.68900	65.87095
4. 2. 1/16 W.	21.30682	2.00000	23.30682	76.69318	67.31062	1.68277	65.62785
4. 3. 1/2 W.	21.59091	2.00000	23.59091	76.40909	67.06123	1.67653	65.38475
4. 3. 1/4 W.	21.87500	2.00000	23.87500	76.12500	66.81195	1.67030	65.14165
4. 3. 1/8 W.	22.15909	2.00000	24.15909	75.84091	66.56261	1.66407	64.89854
4. 3. 1/16 W.	22.44318	2.00000	24.44318	75.55682	66.31328	1.65783	64.65545
5. 0. 1/2 W.	22.72727	2.00000	24.72727	75.27273	66.06394	1.65160	64.41234

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*,
in the Year 1818.—No. I. to IX.

A. D. 1818. REGULATION I.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases, and to alter certain provisions of the Regulations in force:—Passed by the Governor in Council of Fort St. George on the 28th January 1818; corresponding with the 17th Tye of the year Eswara, 1739th year of Salewahan; and with the 20th Rublavul, 1233 Hijree.

IT having been deemed expedient to vest the Court of Foujdary Adawlut with discretion to pass sentence of punishment in cases wherein, although the futwa of the law officers may not declare the prisoner to be guilty of the fact or facts charged against him, or liable, on strong presumption, to discretionary punishment, the Judges of that Court may be of opinion that the proof against the prisoner is sufficient to convict him of the whole or any part of the charge; and it having been also considered expedient to modify the Mohummudan law, as well in cases of zena or whoredom, as in cases of kuhl-i-khuta or accidental homicide; as also to dispense with the process of "godna" in cases of conviction of the crime of perjury, subornation of perjury, or forgery; and further to declare that all rewards offered for the apprehension of proclaimed robbers shall be payable on the delivery of their persons to the zillah magistrate by whom they may have been proclaimed, or to the magistrate within whose jurisdiction they may have been apprehended, the following rules have been enacted.

Preamble.

II. *First*.—In all trials referred to the Foujdary Adawlut, when the futwa of the law officers of that Court may acquit a prisoner of the whole or any part of the charge preferred against him, and two or more Judges of that Court, on a deliberate consideration of the circumstances of the case in evidence before them, shall concur in opinion that the proof against the prisoner is sufficient to convict him of the whole or any part of the charge, the Judges so concurring in opinion, provided the penalty to be adjudged on proof of the commission of the offence shall have been specially denounced in any subsisting Regulation, are hereby declared competent to convict and sentence the prisoner to suffer the punishment so prescribed by the Regulations, in like manner as if he had been declared convicted by the futwa of the law officers.

In what cases the Court of Foujdary Adawlut may pass a sentence of conviction and punishment, notwithstanding a futwa of acquittal by the law officers of that court, without requiring a second futwa.

Second.—If the penalty to be adjudged on proof of the commission of the offence shall not have been specially denounced by any subsisting Regulation, the Judges of the Foujdary Adawlut shall require the law officers to declare, by a second futwa, to what sentence the prisoner would have been liable under the Mohummudan law if he had been convicted by full legal evidence, and shall proceed thereupon to pass sentence according to such second futwa, commuting the punishment if any Regulation require it.

Cases in which the law officers shall be called upon to give a second futwa.

III. *First*.—In trials before the Court of Circuit for adultery, rape, or any other offence within the provisions of the Mohummudan law for cases of *zena* and *fiul-i-shuneca*, the futwa of the law officer of the Court of Circuit before which the trial may be held shall declare only whether the prisoner be legally convicted, or if not, whether there be strong grounds of presumption that he is guilty of the crime charged against him.

Rules for the law officers of the court of circuit in delivering their futwa in trials for offences within the provisions of the Mohummudan law for cases of *zena* and *fiul-i-shuneca*.

Judge of circuit how to proceed, where the futwa shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, and the judge shall concur in the futwa.

Whenever a prisoner may be convicted of the crime of rape, proceedings to be referred to the Foujdary Adawlut.

In cases of adultery, charge by whom to be preferred.

Rule to be observed in all cases of homicide where there may be proofs of a previous malignant intention.

The principle of the preceding rule to be observed in all cases of corporal injury, where there may be proof of a previous malignant intention.

Proceedure of the Court of Foujdary Adawlut when trials may be referred to that court under the preceding clause.

Former provisions respecting kutl-i-khuta to be in force with regard to all cases of accidental homicide, not otherwise provided for by the first clause of this section.

Second.—If the futwa so given shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, the Judge of Circuit, provided he concur in the opinion declared in the futwa, shall either pass sentence against the prisoner or refer the trial for the sentence of the Foujdary Adawlut, according as the circumstances of the case shall appear to render it referable or otherwise, under the Regulations in force.

Third.—If the prisoner be convicted, either on full legal evidence or on strong presumption, of the heinous crime of rape, the Judge of Circuit shall not pass any sentence, but shall refer the trial for the sentence of the Foujdary Adawlut.

Fourth.—In cases of adultery it shall be requisite that the charge be made and prosecuted exclusively by the husband against the wife, or by the wife against the husband.

IV. First.—After the date fixed for the operation of the penal Clauses of this Regulation, any person who may be convicted of having subsequently thereto, deliberately and maliciously intended to murder one individual, and of having, in the prosecution of such intention, caused the death of the person whom he had intended to murder in a manner different from that in which he had intended to cause his death, (as where the instrument of perpetration may pass by the person aimed at and kill him on a rebound), or of having accidentally killed another individual, shall be liable to suffer capital punishment, in like manner as if the act had been committed as originally intended by him. In all such cases the Courts of Circuit, provided they concur in the conviction of the prisoner, shall transmit their proceedings to the Court of Foujdary Adawlut, the Judges of which Court, if they consider the prisoner to be convicted of such murderous intention and subsequent actual homicide, shall require their law officers to declare, by a second futwa, to what punishment the prisoner would have been liable if the homicide had been committed as intended by the prisoner; and if their futwa shall declare him in such case liable to suffer death, or if, under the futwa so given and the modifications of the Mohummudan law contained in the Regulations, the prisoner be liable to suffer capital punishment, the Court of Foujdary Adawlut shall proceed in the case as prescribed by the Regulations in force.

Second.—In like manner, after the date fixed for the operation of the penal Clauses of this Regulation, any person who may be convicted of having subsequently thereto unlawfully and maliciously intended to wound, maim or otherwise do corporal injury to one individual, and of having in the prosecution of such intention, wounded such individual in a manner different from that in which he had intended to wound him, (as where the instrument may pass by the person aimed at and wound him on a rebound) or of having accidentally wounded, maimed or otherwise corporally injured another individual, shall be held punishable for the act committed by him with such unlawful and malicious intention, in like manner as if such act had been committed as intended by him. The law officers of the Court of Circuit shall in such cases be required to state the punishment to which the prisoner would have been liable if he had committed the act as intended by him, and the Courts of Circuit shall pass sentence accordingly, or refer the trial to the Court of Foujdary Adawlut as the case may be referable or otherwise, under the general Regulations.

Third.—In trials referred under the preceding Clause to the Court of Foujdary Adawlut, the law officers of that Court shall declare to what punishment the prisoner would have been liable if the act of which he is convicted had been committed as intended by him; and the Court after considering such futwa, with the whole of the circumstances of the case in evidence before them, shall proceed according to the provisions of the general Regulations.

Fourth.—The provisions contained in Clause second, Section XV, Regulation VII, of 1802, regarding kutl-i-khuta and other cases of accidental homicide, are to be considered to be in force as heretofore with regard to all cases of accidental homicide not coming within the intent and meaning of the first Clause of this Section; provided, however, that the Courts of Circuit shall not adjudge any punishment in any such case of accidental homicide, although the diyut should be declared to be payable under the Mohummudan law, if the homicide shall clearly appear to have been committed by misadventure in the prosecution of a lawful act, and without any malignant intention.

V. So much of Clause first, Section III, Regulation VI, of 1811, as relates to the process of "godna," is hereby rescinded. Part of Clause first, Section III, Regulation VI, of 1811, rescinded.

VI. In modification of the provisions contained in Section XXII, Regulation IX, of 1816, regarding payment of specific rewards, it is hereby enacted, that all specific rewards offered for the apprehension of robbers proclaimed by name, shall be payable on the delivery of the persons so proclaimed to the zillah magistrate by whom the proclamation may have been issued, or to the magistrate in whose jurisdiction they may have been apprehended. Modification of part of Section XXII, Regulation IX, of 1816

VII. *First.*—Sections II, III, and IV, of this Regulation, shall not be held in force until six months from and after the date of its being enacted and published. Sections II, III, and IV, of this Regulation, not to be in force until six months from the date of its promulgation.

Second.—The remaining Sections of this Regulation are to be in force from the date of its promulgation. The remaining Sections of this Regulation to have immediate operation.

A. D. 1818. REGULATION II.

A REGULATION for imposing a Duty on Foreign Salt imported by Sea into any Port or Place within the Limits of the Territories subject to the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 4th March 1818; corresponding with the 23d Mausee of the year Easwarah, 1739th year of Salewagana; and with the 26th Rabusany, 1233 Hijreec.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign salt imported by sea into any port or place within the territories subject to the Presidency of Fort St. George, the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules, to be in force throughout the aforesaid territories, from the period of their promulgation. Preamble.

II. The provisions of Regulation I, of 1805, so far as they may affect the importation by sea of foreign salt, that is to say, salt made out of the limits of the territories subject to the Presidency of Fort St. George, are hereby rescinded. Regulation I, of 1805, rescinded, so far as regards the importation of foreign salt by sea.

III. Foreign salt shall on importation by sea, into any port or place within the limits of the said territories, be subject to a duty at the rate of 100 pagodas per garce. Foreign salt subject on importation by sea to a duty of 100 pagodas per garce.

IV. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs on goods and merchandise imported by sea; subject, however, to the provisions contained in the following Section; and any salt imported or landed in breach of the said rules and provisions shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I, of 1812, for the division of the amount sales of all confiscated goods; and such salt shall and may be seized as forfeited, by the collector or any of the officers of the Custom-house or Customs, or by any of the officers of Government, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place. Rules under which the aforesaid duty shall be levied.

V. It is hereby declared competent to the collectors of Sea Customs to permit the importers, proprietors or consignees of salt imported as aforesaid, if they be so disposed, instead of paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government Customs on goods and merchandise imported by sea, to deliver it on shore at the Custom-house or such other secure place as the said collectors may appoint, and to secure and lodge it therein without payment of duty in the first instance; provided, however, that salt so lodged shall not be removed until the duty imposed by this Regulation shall be duly paid. Collectors authorized to allow foreign salt to be landed and secured without payment of duty, in the first instance.

Rules regarding the clearing of salt to secured, and the payment of the duty.

VI. The importers, proprietors or consignees of salt which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the Custom-house, clear and take from and out of such Custom-houses or places all such salt, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Board of Trade, or such officer as may be duly empowered by them in this behalf, to cause all such salt to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor, or other persons authorized to receive the same; provided that no such salt shall be sold, unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid; but if such price cannot be obtained, then all such salt shall be effectually destroyed by and in the presence of such officer as the Board of Trade shall appoint.

A. D. 1818. REGULATION III.

A REGULATION for imposing a Duty on Foreign Opium imported by Sea into any Port or Place within the Limits of the Territories subject to the Presidency of Fort St. George; and on Opium exported by Sea from any Port or Place within the said Limits:—Passed by the Governor in Council of Fort St. George on the 4th March 1818; corresponding with the 23d Mausee of the year Easwarah, 1739th year of Salewagana; and with the 26th Rabusany, 1233 Higeree.

Preamble.

WHEREAS it has been deemed expedient to impose a duty on foreign opium imported by sea into any port or place within the territories subject to the Presidency of Fort St. George, and on all opium exported by sea from any port or place within the said limits, the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules, to be in force throughout the aforesaid territories, from the period of their promulgation.

Clause second, Section V, Regulation II, 1812, rescinded in part.

II. So much of Clause second, Section V, Regulation II, 1812, as defines the duties leviable on opium imported by sea into Madras, is hereby rescinded.

Opium made out of these territories liable with the exception specified in the following Section, to a duty of 40 rupees per viss on importation by sea.

III. All opium made out of the limits of the territories subject to the Presidency of Fort St. George, with the exception specified in the following Section, shall on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of 40 rupees per viss.

Duty on opium purchased at the Company's sales at Calcutta, and imported at any of the subordinate ports.

IV. *First*.—Opium imported into any port subject to the Presidency of Fort St. George, with the exception of the port of Madras, and accompanied by a certificate specifying that it has been purchased at the Company's sales in Calcutta, shall be subject only to the rate of duty prescribed by the Regulations in force, to be levied on goods and merchandise imported by sea.

Duty on opium purchased at the Company's sales at Calcutta and imported by sea into Madras.

Second.—Opium imported by sea into Madras, accompanied by the before-mentioned certificate, shall be liable to the duty specified for opium in Clause second, Section IX, Regulation III, 1812; and subject to the provisions of Clause third of that Section; provided, however, that all such opium, if intended for re-exportation, shall be liable only to the general rate of duty levied on goods and merchandise imported by sea; and such opium shall be lodged at the Custom-house, under charge of the collector, until it be re-shipped, and shall be entitled, on such re-exportation, to a drawback of two-thirds of the said last-mentioned duty.

Opium not purchased at the Company's sales at Calcutta subject to a duty of 40 rupees per viss on exportation by sea.

V. All opium, with the like exception of opium purchased at the Company's sales at Calcutta, as specified in the preceding Section, shall on exportation by sea be subject to a duty of 40 rupees per viss.

VI. The

VI. The aforesaid duties shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs on goods and merchandise imported or exported by sea; subject, however, to the provision contained in the following Section; and any opium exported, imported or landed in breach of the said rules and provisions, shall be forfeited, and the proceeds thereof disposed of under the general rules prescribed in Clause first, Section XX, Regulation I, of 1812, for the division of the amount sales of all confiscated goods; and such opium shall and may be seized as forfeited, by the collector or any of the officers of the Custom-house or Customs, or by any of the officers of Government, to be by them conveyed and deposited in one of the said United Company's warehouses, or other secure place.

Rules under which the aforesaid duties shall be levied.

VII. It is hereby declared competent to the collectors of Sea Customs to permit the importers, proprietors or consignees of opium, imported from Europe, if they be so disposed, instead of paying the duty due and payable thereon in the manner prescribed generally for the payment of the duties denominated Government Customs on articles imported by sea, to deliver it on shore at the Custom-house or such other secure place as the said Collectors may appoint, and to secure and lodge it therein without payment of duty in the first instance; provided, however, that opium so lodged shall not be removed until the duty imposed by this Regulation shall be duly paid.

Collectors authorized to allow opium imported from Europe to be landed and secured without payment of duty in the first instance.

VIII. The importers, proprietors or consignees of opium which shall have been imported from Europe, lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the Custom-house, clear and take from and out of such warehouses or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Board of Trade, or such officer as may be duly empowered by them in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietors or other persons authorized to receive the same; provided that no such opium shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid, but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Board of Trade shall appoint.

Rules regarding the clearing of opium so secured, and the payment of the duty.

A. D. 1818. REGULATION IV.

A REGULATION prescribing Rules for the assessment and collection of the Veesabuddy or Tax upon the Profits of Trade, in the Provinces known by the appellation of the Ceded Districts, or the Zillahs of Bellary and Cuddapah:—
Passed by the Governor in Council of Fort St. George on the 15th May 1818; corresponding with the 4th Chittra of the year Bahoodauneah, 1740th year of Salewagana; and with the 8th Jamadeussany, 1233 Higeree.

WHEREAS it has been considered expedient that the settlement of the land revenue in all the provinces subordinate to this Presidency, should be made exclusively of certain taxes, which though hitherto classed and collected therewith, are not derived from the land, but are paid by merchants, tradesmen, artisans and others, and therefore cannot with propriety be considered as belonging thereto; and whereas the separation of these taxes from the land revenue has taken effect in the provinces known by the appellation of the ceded districts, and reports have been received which enabled the Government to provide for the due assessment and collection of the veesabuddy or tax upon the profits of trade, under the provisions of a Regulation prepared as prescribed in Section II, Regulation I, A. D. 1802; wherefore the following rules have been enacted by the Governor in Council, to take effect and be in force in the ceded districts from and after the date of their promulgation.

Preamble.

The veesabuddy declared to be payable by all merchants, tradesmen and others engaged in any mercantile concern.

The amount of the veesabuddy to be assessed on each zillah how to be determined.

The aggregate assessment not to exceed 10 per cent on the income of the contributors.

Not to be altered oftener than once in five years.

The aggregate assessment may nevertheless be revised and modified, provided it be not increased, and may be imposed gradually, instead of being laid on at once.

The quota to be assessed on each talook how to be determined.

The distribution of the talook assessment how to be regulated.

Merchants and others liable to payment of the veesabuddy to be summoned annually to the talook cutcherry.

Course to be pursued in case of the non-attendance of the parties summoned, or in case of their departure without cause, before the distribution of the assessment has been adjusted.

Absentees, without satisfactory cause assigned for their absence, liable to be fined.

Persons unable to give their personal attendance may appoint vakeels.

II. The veesabuddy, or tax upon the profits of trade, as distinguished from the moliturfa, or tax upon the profits of persons exercising manual arts or professions, is declared to be payable by all merchants, traders, shopkeepers, retail dealers, agents of foreign merchants, or others engaged in any mercantile adventure or concern.

III. *First.*—The aggregate amount of the veesabuddy to be assessed on each province or zillah of the ceded districts, shall be determined by the Governor in Council, and shall be regulated as heretofore, with reference to the accounts of exports and imports, the population, the produce and consumption, and the usual profits of trade, combined with a consideration of the general circumstances of the several descriptions of persons liable to the payment of the tax.

Second.—The aggregate amount to be assessed on each zillah shall be calculated so as not to exceed ten per cent. upon the aggregate income or gains of the whole body of contributors, according to the best estimate which it may be possible to form from the data above-mentioned; and the amount, when fixed, shall not be liable to alteration oftener than once in five years.

Third.—The provision contained in the latter part of the last Clause shall not be considered as precluding the Governor in Council from authorizing a revision or modification of the aggregate assessment during the above-mentioned period of five years, provided that the amount be not increased; and it is also to be understood, that the Governor in Council is at liberty to cause the assessment to be raised gradually to the ultimate standard amount, instead of imposing the whole at once, if such a course of proceeding should be deemed expedient.

IV. The quota, or proportion of the aggregate assessment to be imposed on each talook of the respective zillahs shall be regulated by the collectors, under the orders and subject to the approval of the Board of Revenue.

V. The partition or distribution of the amount of the talook assessment among individuals, shall be regulated annually by the whole body of contributors, or persons in the talook subject to the payment of the tax.

VI. *First.*—In pursuance of the provision contained in Section V, the merchants, traders, shopkeepers, retail dealers, agents of foreign merchants, and others liable to contribute to the veesabuddy, shall be summoned to assemble, as soon after the commencement of each Fussy year as may be convenient, at the cutcherry of the tahseeldar of the talook in which they reside, due notice of not less than fifteen days being given of the time appointed for the meeting.

Second.—If any person liable to the payment of the tax should not appear at the cutcherry of his talook within five days after the time appointed, unless prevented by sickness or other sufficient cause; or if any person, after appearing, should withdraw himself or depart before the business is finally adjusted, unless compelled by sickness or other sufficient cause, such person's proportion of the assessment or contribution shall be fixed by the other persons present, in the same manner as if he himself had been present; and he shall lose the benefit of the appeal allowed by Section VIII. of this Regulation. In case also of non-payment of the tax, the amount shall be recovered from him in the manner hereinafter prescribed for the recovery of arrears of veesabuddy; and moreover, if it should be satisfactorily proved that such person refused to appear, or appearing, departed with a view to obstruct the public business, or to throw impediments in the way of the settlement and adjustment of the tax, he shall be liable to such moderate fine (not exceeding one hundred rupees) as upon investigation of the case it may be judged advisable by the collector to impose; the fine so imposed to be recovered in the manner hereinafter prescribed for the collection of arrears of veesabuddy.

Third.—Nothing contained in the above Clause is intended to prevent any person from appointing a vakeel to act for him, in the event of his being prevented, by sickness or any necessary avocation, from giving his personal attendance, or (having attended) in the event of his being obliged, by similar causes, to leave the cutcherry before the settlement of the tax is finally adjusted. In such cases, the person appointed to act as vakeel shall be furnished by his principal with a vakalutnama under his seal and signature, which vakalutnama, being presented to the tahseeldar, shall be filed on the records of the cutcherry, and the vakeel so appointed shall be allowed to act in every respect as if he were principal.

VII. *First.*

VII. First.—All disputes which may arise among the parties liable to contribute to the veesabuddy in regard to the veesees or shares to be assessed on individuals, shall be decided by referees or arbitrators, in number not less than four nor more than eight, of whom one half shall be nominated by the party disputing the correctness of the amount proposed to be assessed on him, and the other half by the other party concerned in the reference.

Disputes among individuals regarding the partition of the assessment how to be decided.

Second.—Each party shall have a right to challenge peremptorily the referees nominated by the other party; and the referees so challenged shall be set aside and others nominated in their stead. The challenges of each party shall be limited to four, six or eight, according as the number of referees nominated by each under the provisions of the preceding Clause of this Section shall be two, three or four; that is to say, the challenges of each party shall be limited in every case to the number of which the arbitration is to consist; and if in any case the challenges of either party shall amount to that number, the selection of referees for the decision of the question at issue between the parties shall devolve upon the tahseeldar, whose duty it shall be to take especial care that the persons whom he may nominate for this purpose be totally unconnected with either party. The decision given by the referees so appointed by the tahseeldar shall be equally valid as if it had been given by referees nominated by the parties.

Each party allowed to challenge peremptorily the referees nominated by the other. The number of challenges limited. Course to be pursued when the challenges of either party amount to the number limited.

Third.—In case the votes of the referees upon the question referred for their decision shall be equally divided, and it shall be necessary to appoint an umpire, the tahseeldar shall nominate three respectable persons totally unconnected with either party; and the parties shall each be required to reject one of the persons so named, leaving the other to act as umpire, who shall determine the question.

When votes of the referees are equally divided, an umpire to be appointed. The mode of appointing an umpire.

VIII. First.—An appeal from the decision of the referees, on any matter whatever connected with the assessment of the veesabuddy, shall lie to the collector, whose especial duty it shall be minutely and carefully to investigate the grounds upon which such decision may have been made, and he shall confirm, reverse or cause a revision of the decision, according as the case may in his judgment appear to require.

An appeal to lie to the collector from the decisions of the referees.

Second.—Every appeal to the collector from the decision of referees shall be presented in the first instance to the tahseeldar of the appellant's talook, within three days from the date on which the decision may have been passed, and no appeal shall be received at a later period, unless a full and sufficient reason for the delay be made to appear. The tahseeldar shall grant written receipts to the appellants for all petitions of appeal which may be presented to him, and shall transmit the said petitions to the collector on the same day on which they may be received.

In what manner the appeal is to be made.

Third.—The decisions which under Clause first of this Section may be passed by the collector on petitions of appeal, transmitted to him agreeably to the provisions of Clause second of this Section, shall be endorsed by the collector on the petitions, together with the grounds of the decisions so passed; and such endorsements shall be attested by the collector's official signature.

The collector's decision to be endorsed on the petition of appeal.

IX. First.—In cases of corruption, fraud or contrivance, whereby persons may have procured their share of the assessment to be reduced below its just amount, it shall be competent to the party or parties aggrieved by such unjust reduction, to bring the matter by petition under the cognizance of the collector. The petition shall contain a distinct statement of the circumstances of the case, and to it shall be subjoined a list of the witnesses and of the documents by which it is proposed to establish the allegations preferred by the petitioner. The collector shall attentively consider the facts stated, and the nature of the evidence offered in support thereof, and if he shall be of opinion that the matter is deserving of investigation, he shall admit the petition.

Course to be pursued in cases of corruption, fraud or contrivance, whereby the quota payable by an individual is reduced below its just amount.

Second.—On admitting a petition under the foregoing Clause, the collector shall immediately summon before him the person or persons accused of the corruption, fraud or contrivance. In cases where the share of the veesabuddy charged to have been reduced below its just amount, shall have been settled by referees under the provisions of Section VII. of the Regulation, it shall be the duty of the collector to go into a minute examination of the complaint preferred by the petitioner, hearing the evidence which both parties may have to adduce. But in cases wherein the share objected to may not have been settled in the first instance by referees, the collector shall, with the consent of both parties, and not otherwise, refer the matter for decision to referees or arbitrators to be chosen under the provisions of Section VII. of this Regulation, and subject to the same rules.

Course to be pursued by the collector on admitting a petition in this case.

Course to be pursued when the collector considers the corruption, fraud or contrivance to be proved.

Third.—If on examination of the case, or on consideration of the award of the referees, when that mode of adjudication may be resorted to, the collector shall be of opinion that the corruption, fraud or contrivance charged is satisfactorily established, he shall declare another apportionment of the assessment, and shall have authority to levy a fine, not exceeding one hundred rupees, from the party or parties guilty of the acts charged, whether they be the persons benefiting by the previous undue apportionment of the assessment, or the referees by whom that apportionment was made.

No time limited for presenting petitions of this nature.

Fourth.—The time for presenting petitions of the nature described in Clause first of this Section is not limited, but it shall be incumbent upon the petitioner to show, to the satisfaction of the collector, that he has preferred his complaint as soon as practicable after his detection of the artifices by which he considers himself to be aggrieved.

An appeal to lie from the decision of the collector to the Board of Revenue.

The appeal how to be made.

X. First.—Persons who may consider themselves aggrieved by the decision of the collector, shall be at liberty to appeal therefrom to the Board of Revenue. The petition of appeal shall be presented to the collector, accompanied by the petition bearing the collector's endorsement, as prescribed in Clause third of Section VIII. and the collector shall forward the same immediately to the Board of Revenue: it is, however, provided, that no person shall be entitled to appeal to the Board of Revenue, unless his petition of appeal be presented to the collector within thirty days after the delivery of the collector's decision on the case, or unless he assign good and sufficient reason for the delay.

An appeal to lie to the Board of Revenue against fines imposed by the collector exceeding 25 rupees.

Parties appealing to the Board of Revenue may appoint vakeels.

Second.—An appeal, subject to the rules prescribed in the preceding Clause, shall also lie to the Board of Revenue, against the imposition of any fines, exceeding the sum of twenty-five rupees, levied by the collector under this Regulation.

Third.—The party appealing to the Board of Revenue shall not be required to appear in person to prosecute his appeal, but shall be at liberty to constitute a vakeel for that purpose.

Course to be pursued by the Board of Revenue in cases of appeal from the decision of the collectors.

XI. The Board of Revenue, after a careful investigation of the grounds upon which the decision of the collector may be founded, shall confirm, reverse or cause a revisal thereof, as the case may in their judgment appear to require; and their decision shall be final.

Rules to be observed after the partition of the assessment shall have been finally adjusted.

XII. After the adjustment of the several veeeses or shares payable by individuals shall have taken place, in the manner prescribed, a general statement, signed by the principal merchants, &c. of each village, shall be given in to the talisceldar, who shall forward it to the collector, when the total amount of the tax payable by the talook, will be assessed in detail according thereto, and a puttah, under the seal and signature of the collector, delivered to each person, stating the sum which he is to pay, and the proportion which it bears to the total talook assessment.

Course to be pursued in the collection of the veeesabuddy tax, and for the recovery of arrears.

XIII. The collection of the revenue derived from the veeesabuddy tax, shall be made in the same manner as the collection of the land revenue; and in the event of any coercive process being necessary for the recovery of arrears of that tax, or for the recovery of the fines which by this Regulation the collector is authorized to impose, the collector shall proceed against the defaulter by distraint and eventual imprisonment, in the same manner as is prescribed by the Regulations for the recovery of arrears of land revenue.

A. D. 1818. REGULATION V.

A REGULATION for rescinding Regulation I, A. D. 1814, and abolishing the Zillah Court of Guntoor:—Passed by the Governor in Council of Fort St. George on the 23d May 1818; corresponding with the 12th Vyasee of the year Bahoodauneah, 1740th year of Salewagana; and with the 16th Rajub, 1233 Hijree.

Preamble.

THE Regulations lately enacted having rendered a separate Court of Judicature at Guntoor no longer necessary, the Governor in Council has enacted this Regulation, to be in force from the 1st day of August next ensuing.

II. Regulation

II. Regulation I, A. D. 1814, is rescinded.

Regulation I, 1814, rescinded.

III. *First*.—The jurisdiction which was exercised under such parts of Clauses first and third, Section V, Regulation IX, A. D. 1808, as were rescinded by Section II, Regulation I, A. D. 1814, is declared to be revived.

Guntoor placed under the jurisdiction of the zillah court at Masulipatam.

Second.—All suits which may be depending before the Zillah Court of Guntoor at the end of the month of July, shall be transferred, together with the papers and other documents connected therewith, to the Zillah Court of Masulipatam, and the Judge of that zillah is empowered to proceed on the trial of the same, in like manner as if they had been originally instituted in his Court.

Suits pending to be transferred as they stand.

A. D. 1818. REGULATION VI.

A REGULATION empowering Commissioners appointed to institute certain Inquiries into the Conduct of the Servants of Government, European and Native, to take Evidence on Oath; and rendering the violation of such Oath liable to the Penalties of Perjury:—Passed by the Governor in Council of Fort St. George, on the 12th August 1818; corresponding with the 30th Audee of the year Bahoodauneah, 1740th year of Salewahan; and with the 9th Ramazan, 1233 Hijreec.

WHEREAS it may be expedient or necessary that the general previous inquiry, for which provision is made in Section V, Regulation III, A. D. 1809, and in Section V, Regulation II, A. D. 1810, should be conducted by a Commissioner or Commissioners specially appointed for that purpose; and whereas it is essential to the discovery of truth in most cases that the Commissioner or Commissioners, to whom the duty of conducting such an inquiry is committed, should be authorized to examine upon oath the witnesses having, or being supposed to have, a knowledge of the facts to be investigated, and moreover that witnesses should be compellable to give evidence on oath before such Commissioner or Commissioners, and that the wilful and corrupt breach of an oath taken before such Commissioner or Commissioners should subject the offender to the penalties to which the crime of perjury is liable; and whereas it is proper that the same provisions should extend to all other inquiries ordered by Government into the conduct of any of its servants, whether European or Native, the Governor in Council has passed this Regulation, to be in force from the date when it is promulgated.

Preamble.

II. *First*.—It shall (under the special authority of Government for that purpose) be competent to any Commissioner now or hereafter appointed by Government to conduct any inquiry into the conduct of any of its servants, European or Native, to examine upon oath the witnesses having, or being supposed to have, a knowledge of the facts to be investigated.

A commissioner, specially authorized to do so, may take evidence on oath.

Second.—Provided, however, that in all cases wherein such special authority is granted to any such Commissioner, he shall, before exercising the same, have taken and subscribed the following oath, before any person commissioned by the Governor in Council to administer the same:

The commissioner himself, in such case to take a certain oath.

“I, A. B. appointed a Commissioner under the provisions of Regulation VI, A. D. 1818, do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favor or bias, to the best of my ability, knowledge and judgment.
So help me God.”

III. If any witness duly summoned shall not attend, or shall refuse to be sworn, or to give evidence, or to subscribe his deposition, provided in all cases that such evidence shall not tend to criminate himself, he shall be sent to the Judge of the Zillah Court, to be confined, as prescribed by the Regulations in similar cases in the several Courts of Judicature.

Witnesses compellable to give evidence, unless they would thereby criminate themselves.

IV. The wilful and corrupt breach of the oath taken before any such Commissioner, in virtue of Section II, of this Regulation, shall subject the offender to the same penalties to which the crime of perjury, as defined in Section XL, Regulation, VII, of 1802, is liable; of which the Commissioner or Commissioners, before whom the oath is administered shall previously apprise the witness.

Breach of oath liable to the penalties of perjury.

A. D. 1818. REGULATION VII.

A REGULATION for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed for admitting Persons of certain descriptions to sue in the Courts of Civil Judicature as Paupers:—
 Passed by the Governor in Council of Fort St. George on the 3d November 1818; corresponding with the 20th Arpsee of the year Bahoodauneah, 1740th year of Saliwahn; and with the 3d Mohurrun, 1234 Hijeree.

Preamble.

WHEREAS it has been deemed expedient to modify the rules now in force for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers, those rules having been found to facilitate the institution of groundless and litigious suits; and whereas it is desirable to reduce into one Regulation the whole of the provisions relative to persons admitted to sue as paupers, the following Regulation has been enacted, to be in force from the 1st January 1819, throughout the whole of the provinces subject to the Presidency of Fort St. George.

Rescissions.

II. Regulation XIV, of 1802, and Sections XXXIV, and XXXVI, of Regulation VII, of 1809, are hereby rescinded.

Certain persons may sue as paupers before the European courts.

III. Persons unable, by reason of their poverty, to defray the expenses of a law suit, shall be admitted to sue as paupers before the several Zillah and Provincial Courts, and the Sudder Adawlut, under the rules and subject to the restrictions hereinafter specified.

Limitations of pauper suits.

IV. First.—No persons shall be admitted to sue as paupers under this Regulation, if the cause of action shall not exceed eighty rupees, or if the claim be for damages on account of slander, abusive language, assault or personal injury, or for the recovery of pecuniary penalties incurred by any breach of the Regulations.

Pauper suits not referrible to native judicatories.

Second.—Judges are prohibited from referring pauper suits to be tried by any native judicatories.

Rules for the admission of paupers to institute original suits.

V. First.—Every person desirous of being admitted to plead as a pauper in an original suit, shall submit his application under the following rules:

A statement of the cause of action to be drawn out by a vakeel of the court, with his opinion of the merits of the suit.

Second.—The applicant shall address himself to one of the constituted vakeels of the Court in which he is desirous of suing, and the vakeel, if he be willing to undertake the conduct of the suit, shall draw out a statement, containing a declaration of the nature, extent and grounds of the demand, and the names of the persons intended to be sued. This statement shall be signed by the applicant, and shall have annexed to it a declaration, to be signed by the vakeel, that he has attentively considered the applicant's case, and has carefully perused the documents produced to him in support of it, and that he is of opinion that the suit is (or is not) sustainable.

If the vakeel declare the suit not sustainable, petition to be rejected.

Third.—If the opinion of the vakeel shall be that the case is not sustainable, the Court shall reject the application, leaving the applicant at liberty to sue in the regular mode, and such rejection shall be final.

If the vakeel declare the suit to be sustainable, applicant to present a declaration on oath, with a schedule of property.

Fourth.—If the opinion of the vakeel shall be that the case is sustainable, the applicant shall present to the Court a declaration according to the form in the Appendix (A.) having annexed to it a true and perfect schedule of the property, real and personal, of which he is possessed, with the value thereof. The declaration and schedule shall be subscribed by the applicant, and shall be read in open Court, and sworn to by the said applicant: Provided always, that such persons as are by the customs and usages of the country exempted from taking oaths shall be permitted to make the usual solemn affirmation, instead of the oath hereby appointed. And if any person taking the oath or affirmation hereby appointed, shall thereby commit wilful perjury, and shall be convicted thereof, such offender shall incur the penalties directed by the Regulations to be inflicted for the crime of perjury.

Persons swearing falsely in such matters, declared liable to the penalties of perjury.

Proceedings for the admission of the suit.

Fifth.—After the declaration and schedule shall have been sworn to, the Court shall fix a day, on which they will admit the applicant to institute his suit as a pauper, unless good cause shall be then shown against his admission. The day to be so fixed shall be sufficiently distant to admit of the production of evidence by the party

party complained against, to invalidate the statement of the applicant. And the Court shall, immediately after filing of the statement and schedule, cause a copy thereof to be affixed in some conspicuous place in the Court-room, and shall issue a notice to the person complained against, which notice shall contain the nature and amount of the demand, and the day on which the applicant will be admitted to enter his suit as a pauper, unless good cause be shown to the contrary.

Unless the applicant's statement or schedule be invalidated.

Sixth.—It is hereby declared competent to the vakeel, who has drawn out the application, as well as to the person intended to be sued, to show cause against the applicant being admitted to the benefit of the pauper Regulation.

The plea of poverty may be opposed by the applicant's vakeel and by the person complained against. Objections to the admission of paupers to be written on stamp paper.

Seventh.—Objections to an alleged plea of poverty shall be written on stamp paper of the value prescribed by Section X, Regulation XIII, of 1816. The names of the witnesses, who are to prove facts alleged in such objections, are to be mentioned therein; and if the witnesses so named are not in attendance, the Court are to summon them on an early day.

Eighth.—Nothing in this Section shall be construed to render it imperative on women, or others of such rank and cast, as are by the usages of the country exempted from appearing in Courts of Justice, to appear therein for the purpose of qualifying as paupers; but such persons may appear by an accredited agent.

Women of rank may appear by accredited agents.

Ninth.—On the day fixed, the Court shall proceed to hear and determine upon all objections that have been entered by the party intended to be sued, or by the vakeel retained by the applicant, either especially to the truth of the schedule exhibited by the applicant, or generally to his admission to the benefit of the pauper Regulation; and the decision thereon by the Court competent to admit the application of the person, desirous to sue as a pauper, shall in all cases be final.

Rule for hearing and determining upon objections to the alleged poverty of the applicant.

Tenth.—If no objections are made to the admission of the applicant to sue as a pauper, or if the objections made shall be deemed insufficient, the Court shall take into consideration the amount and value of the property sworn to, and if they are of opinion that the applicant could not defray the probable costs of suit without being reduced to great distress, they are to admit him to institute his suit as a pauper.

Under what circumstances persons may be admitted to sue in forma pauperis.

VI. Every person admitted to sue as a pauper, shall, before he be permitted to file any pleading, find two good and sufficient sureties for his appearance, whenever his attendance may be required by the Court. The security bonds shall correspond with the Form (B.) prescribed in the Appendix of this Regulation.

Persons admitted to sue as paupers, to find good security for their appearance.

VII. *First.*—The stamp duty which has been substituted for the institution fee of Regulation XIII, of 1816, shall not be required from persons who may be admitted to sue as paupers. The plaint, reply or other pleadings on the part of the pauper, as well as applications on his part for receiving exhibits and summoning witnesses, may be written on unstamped paper. The notice to the defendant, the summons for witnesses, and other processes on the part of the pauper, shall be served through the peons on the establishment of the Courts, without any expense to the pauper; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper on unstamped paper.

Stamp duties not required from paupers.

On what paper their proceedings are to be written.

And how process to be issued and served.

Second.—Whenever it shall appear to the Court before whom a pauper suit is depending, that a witness, whose evidence may be considered to be material to the issue of such suit, is unable to defray the expenses necessary to his appearing before the Court, they are empowered to direct the payment to such witness of such necessary and reasonable expenses as may be incurred in his attendance before the Court, and to charge the same in their monthly abstract.

Provision for defraying at the public charge the reasonable expenses of witnesses necessary to the suit, but unable to pay their own charges.

Third.—On the conclusion of the suit, the Court shall calculate the whole of the costs which would have been incurred by the plaintiff on account of the several stamp duties prescribed by Regulation XIII, of 1816, and other legal expenses, had he not been permitted to sue as a pauper, and shall charge the same in the decree to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

Costs how to be charged in the decree.

VIII. Whenever a Court before whom a pauper shall have instituted a suit shall by their decree declare the said suit to be vexatious or litigious, it shall be competent to that Court to adjudge that the said pauper do pay a fine not exceeding 200 rupees, and be imprisoned until such fine shall be paid, provided the time of imprisonment

Litigious paupers may be fined and imprisoned.

Provido.

do not exceed six months, at the end of which period, or of such shorter period as the said Court may have fixed in commutation for the said fine, the pauper shall be released: Provided always, that no sum shall be received in payment of the said fine until the whole of the fees and costs of suit, which may have been decreed against the said pauper, shall have been paid.

Costs to be recovered from paupers if property is at any time discovered belonging to them.

IX. First.—The Courts are empowered and directed to proceed for the recovery of any costs decreed against a pauper, by attachment and sale of any property which may, at any time after the passing of their decree, be discovered to belong to the said pauper.

Forfeited security how to be recovered.

Second.—Courts are empowered to proceed for the recovery of any sums due by the securities of a pauper under the terms of the security bonds, in the same mode as they are directed to proceed in executing decrees of Court.

An appellant desirous to proceed as a pauper how to proceed.

X. First.—Whenever a pauper plaintiff, against whom a decree has been passed, may desire to appeal therefrom, he shall address himself to one of the vakeels of the Court, competent to admit the appeal; and the vakeel, if he be willing to undertake the conduct of the appeal, shall draw out a petition setting forth the specific grounds on which the appeal is preferred, and shall present the said petition within the period prescribed for the admission of regular appeals, together with a copy of the decree appealed from.

Under what circumstances an appellant may be admitted as pauper.

Second.—If the Court shall be of opinion that an appeal is necessary to correct any error or omission in the original decree, or is otherwise requisite for the ends of justice, they shall admit the appeal on the appellant's producing good and sufficient security for his appearance as prescribed in Section VI, and shall proceed in the investigation under the general rules of appeal; but if the appeal shall not appear to be necessary for the ends of justice, the Court shall reject the petition; and such order of rejection shall be final: Provided, however, that such order of rejection shall not bar the said plaintiff's right to appeal on fulfilling the regular conditions of appeal under the Regulations relative to payment of stamp duties and fees.

A pauper plaintiff in an original suit not required to prove poverty if admitted to appeal.

XI. Inasmuch as a pauper plaintiff in whose favour a decree may have passed, will be unable to obtain execution of the said decree pending an appeal, the Court to whom an appeal may be preferred by an original defendant, will admit the original plaintiff to defend the appeal as a pauper without further investigation.

Courts may assign vakeels to paupers.

XII. Courts are hereby empowered to assign one of their constituted vakeels to act on behalf of any person to present his original application or his petition of appeal, or to prosecute any original suit, or to conduct the prosecution or defence of any appeal under the provisions of this Regulation.

To what cases the provisions of this Regulation are applicable.

XIII. It is hereby declared, that the rules contained in this Regulation are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description. Neither are they intended to apply to pauper suits which may have been instituted either originally or in appeal previously to the promulgation of this Regulation; such pauper suits and appeals are to be tried and determined in conformity with the rules heretofore in force.

APPENDIX.

(A.)

"I, _____, solemnly swear, that the several allegations contained in the foregoing declaration are true, in substance and matter of fact, and that the schedule annexed contains an account of the whole of my real and personal property, and that I have not transferred, by sale, mortgage or otherwise, any property before possessed by me, for the purpose of being admitted to sue as a pauper.

"So help me God."

(B.)

"WHEREAS a suit has been instituted in the Court of _____ by
pauper plaintiff, against _____ defendant, and whereas I,
inhabitant of _____ have voluntarily become security for the appearance of the
said

said plaintiff, whenever his attendance may be required, until the final decree on the suit shall have been carried into execution; I do therefore hereby engage and bind myself, my heirs and successors, that the said plaintiff shall appear in person, or by an accredited agent, whenever his attendance may be required at any time, while the above suit is depending before the said Court, or before the final decree which may be passed thereupon shall be fully and completely executed; in default whereof, and in the event of my not producing the said plaintiff when called upon, I will be answerable for such sum as may be adjudged against him, and for the performance of whatever order or decree may be passed against him on the suit above-mentioned."

A. D. 1818. REGULATION VIII.

A REGULATION prescribing the Rules under which Appeals may be preferred to The King's Most Excellent Majesty in his Privy Council, from the Decisions of the Court of Sudder Adawlut at Fort St. George:—Passed by the Governor in Council of Fort St. George on the 3d November 1818; corresponding with the 20th Arpesee of the year Bahoodauneah, 1740th year of Saliwahn; and with the 3d Mohurram, 1234 Hijree.

THE Governor General in Council having relinquished the authority hitherto exercised by him of receiving appeals from the decrees of the Court of Sudder Adawlut of Fort St. George, it is necessary to repeal the provisions of the Regulations which regard such appeals: and it is further necessary to declare the rules, under which appeals to The King's Most Excellent Majesty in his Privy Council may be preferred from the decrees of the said Court of Sudder Adawlut: the Governor in Council has therefore enacted the following rules for that purpose, to be in force from the date of their promulgation. Preamble.

II. Sections XXXI, XXXII, XXXIII, XXXIV, XXXV and XXXVI, Regulation V, of 1802, such part of Clause first, Section XXII, Regulation XIII, of 1816, as relates to the value of the stamp paper on which copies of proceedings in appeal to the Governor General in Council shall be prepared, and generally all rules providing for, or directly relating to, appeals from the decisions of the Sudder Adawlut at Fort St. George to the Governor General in Council, are hereby rescinded. Rescissions.

III. All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council, are required to present their petition of appeal to the said Court of Sudder Adawlut, either in person, or through one of the pleaders of that Court, within six calendar months from the date on which the judgment appealed against may have been passed. Petitions of appeal to the King in Council shall be presented to the Sudder Adawlut within six months.

IV. The Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favour the same may be passed, for the due performance of such order or decree, as His Majesty, his heirs or successors, shall think fit to make on the appeal; or suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in possession of the property adjudged against him: but in all cases security is to be given by appellants, to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said Court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty, his heirs or successors, may think fit to give thereupon; and after receiving such security, the Court of Sudder Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, the other to defend, the cause in appeal before His Majesty in his Privy Council, according to the established mode of proceeding in similar cases. The court may either order their judgment to be carried into execution, taking security from the party in whose favour the decree may have been passed, to abide the event of the appeal—or suspend the execution, taking the like security from the party left in possession. Appellants in all cases to give security for payment of costs and for the performance of the final order or judgment on the appeal.

Appeals to be declared admitted on receiving such security, and notice to be given to the parties to prosecute and defend the same according to the established mode of proceeding.

In all cases of appeal, two copies of all proceedings to be prepared in English and transmitted under the official seal and signature of the register to the Governor in Council, to be forwarded to His Majesty in Council.

The parties also to be furnished with copies of the proceedings on application, provided they agree to pay the expense of preparing the same.

V. In all cases wherein the Sudder Adawlut may admit an appeal to the King in Council, they are to cause two exact copies to be made of all the proceedings held and judgments or orders given in the case appealed, including the whole of the evidence and documents, (translated into English, if the original documents be in any of the country languages,) and are to transmit the same as soon as prepared, under their official seal and the signature of their Register, to the Governor in Council, for the purpose of being forwarded by the first secure and separate conveyances to His Majesty in Council. The Register, to the Sudder Adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed on the case appealed; provided, however, that the parties on whose application the copies hereinbefore mentioned shall be made, whether for transmission to His Majesty in Council, or for delivery to the parties themselves, shall respectively agree to defray such expense as may be incurred thereby, but not otherwise. And the Register is not to transmit the copies, when prepared, to the Governor in Council for the purpose above stated, nor to deliver to parties copies prepared for their use respectively, without the previous payment of the expense incurred thereby; the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on this account will be made in the first instance.

Copies of any local Regulation under which the judgment may have been passed, and which may have been referred to, to accompany the proceedings.

VI. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor in Council, or in case any such Regulation shall have been referred to in the judgments passed by any of the Courts wherein the cause appealed from may have been tried and decided, a copy of such Regulation or Regulations, or an extract therefrom, containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding Section, whether for delivery to the parties or for transmission to His Majesty in Council.

A. D. 1818. REGULATION IX.

A REGULATION for rescinding such part of Section XLI, Regulation XI, of 1816, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside:—Passed by the Governor in Council of Fort St. George on the 11th December 1818; corresponding with the 28th Kaurtekye of the year Bahoodauneah, 1740th year of Salewahan; and with the 11th Suffer, 1234 Hijeree.

Preamble.

WHEREAS inconvenience has arisen from the restriction which, by Section XLI, Regulation XI, 1816, is imposed on the discretion to be exercised by magistrates in delegating authority to their assistants, such authority being expressly limited to the jurisdiction of the town in which the said assistants may be deputed to reside; and whereas it has been judged expedient to remove this restriction, and to authorize magistrates to make over the whole or any part of their duty as magistrates to their assistants and to depute them to hold their offices in any part of their zillahs which may be deemed proper; the following Rules have been enacted.

Part of Section XLI, Regulation XI, of 1816, rescinded, and magistrates authorized to delegate to their assistants the whole or any part of their duty.

II. Such part of Section XLI, Regulation XI, 1816, as may be construed to restrict the authority of assistant magistrates to the towns in which they may be respectively deputed to reside, is hereby rescinded, and zillah magistrates are hereby declared to be authorized to delegate to their assistants the whole or any part of their duty as magistrates and to depute them to hold their offices in any of the districts within their several jurisdictions which may be deemed proper.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*,
in the Year 1818.—No. I to VIII.

And Rule, Ordinance and Regulation I.

A. D. 1818. REGULATION I.

A REGULATION for imposing a Duty on all Opium made out of the Limits of the Territories immediately dependent on the Presidency of Fort William, imported or brought into any Port or Place within the Limits of the Territories dependent on the Presidency of Bombay:—Passed by the Right honourable the Governor in Council on the 2d January 1818; corresponding with the 10th of Magseer Vud, Vickramajet or Sumbut era 1874; Salbahan 1739; and 24th of Suffer, 1233 of the Hijree.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on all opium not made within the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

II. All opium, excepting opium made within the limits of the territories immediately dependent on the Presidency of Fort William, shall, on being imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay, be subject to a duty at the rate of twelve rupees per Surat seer.

liam, subject to a duty of twelve rupees per Surat seer.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs, on goods or merchandises imported by sea; subject, however, to the provision contained in the following Section: and any opium imported or landed in breach of the said rules and provisions shall be forfeited; two third parts to the said United Company, and one third part to the person or persons who shall seize, inform and sue for the same; and shall and may be seized as forfeited, by the collector or any of the officers of the Custom-house or Customs, to be by them conveyed and deposited in one of the said United Company's warehouses or other secure place.

IV. The proprietor or proprietors of opium imported as aforesaid may, if he or they be so disposed, instead of paying the duty due and payable thereon in the manner prescribed generally for the payment of the duties denominated Government Customs, on goods or merchandise imported by sea, deliver it at the Company's warehouses, or such other warehouse as shall be approved by the Governor in Council, and secure and lodge it therein, without payment of duty in the first instance; provided, however, that opium so warehoused shall not be removed until the duty imposed by this Regulation shall have been duly paid.

Option granted to proprietors to lodge their opium in the Company's warehouse, instead of landing it at the Custom-house, and without payment of the prescribed duty in the first instance. But such opium not to be removed, until the duty shall be duly paid.

Opium lodged or secured as above-mentioned, to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation.

On failure, the opium liable to be sold.

And the produce how to be disposed of.

Provido.

Opium liable to be destroyed.

V. The importers, proprietors or consignees of opium which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the Custom-house, clear and take from out of such warehouse or places all such opium, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Governor in Council, or such officer as may be duly empowered by him in this behalf, to cause all such opium to be publicly sold or exposed to sale; and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation; and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided, that no such opium shall be sold, unless a price can be obtained for the same, equal at least to the full amount of the duty aforesaid; but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Governor in Council shall appoint.

A. D. 1818. REGULATION II.

A REGULATION to amend Regulation VIII, A. D. 1813:—Passed by the Right honourable the Governor in Council on the 20th May 1818; corresponding with the 15th of Vysaik Sood, Sumbut or Vikramajit era 1874; Salbahan 1740; and 14th of Rujub 1233 of the Hijree.

Preamble.

WHEREAS it has been considered to be inexpedient to require from comavisdars the mochulka prescribed in Section VII, Regulation VIII, A. D. 1813, the following rules have been enacted.

Section VII, Regulation VIII, 1813, rescinded.

Comavisdars and other native revenue officers, prohibited from trade, or the receipt of presents.

II. Section VII, Regulation VIII, 1813, is hereby rescinded.

III. All comavisdars or others concerned in the collection of the revenue are to stand prohibited, from the promulgation of this Regulation, from being engaged in trade; and restricted from the receipt of any nuzzers or presents of any amount or description; and will subject themselves to dismission from office for being hereafter engaged in any commercial transaction; and to a penalty of three times the amount, on conviction in a Court of Justice, of any nuzzer they may have received.

A. D. 1818. REGULATION III.

A REGULATION for modifying and defining the Powers of Magistrate, and transferring the office of Zillah Magistrate from the Judge to the Collector of the Zillah, constituting the Judges of the Zillah Courts the Criminal Judges of the Zillahs, with charge of the Police of the Sudur Stations, and for defining their Powers:—Passed by the Right honourable the Governor in Council of Bombay on the 10th June 1818; corresponding with the 6th of Jest Sood, Sumbut or Vekramajet era, 1874; Salbahan, 1740; and 5th Shaban 1233 of the Hijree.

Preamble.

WHEREAS the rules which have been enacted for the guidance of the zillah magistrates have appeared in some instances to require revision: and whereas it will contribute to the public convenience to reduce into one Regulation the rules in certain Regulations applicable to the office of zillah magistrate: and whereas it appears expedient, in order to prevent the collision of authorities, and to facilitate the administration of civil and criminal justice, to transfer the office of magistrate from the Judge to the Collector of the zillah, beyond the sudur stations of the Zillah Courts; to constitute the Judges of the Courts of Udalut of the several zillahs criminal Judges of their respective zillahs, with the duties of the Police at the sudur station as heretofore; and to prescribe rules for their guidance in bringing to trial persons charged with crimes and offences; the following rules have been enacted, to have effect from the 1st August 1818 inclusive.

II. The

II. The Regulations in force relative to magistrates and their assistants, are hereby declared to be in future applicable only to cities and towns, the sudur stations of the several Zillah Courts.

Magisterial regulations now in force, only applicable to fardur stations.

III. The collectors of the several zillahs shall hold the office of zillah magistrate; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath, according to the form and mode prescribed in Section II, Regulation III, A. D. 1800.

Collectors in the several zillahs to be magistrates in their respective zillahs.

IV. The assistants to the collectors of zillahs shall be assistants to the magistrates of the zillahs, as prescribed by Sections VI, VII, and VIII, Regulation II, A. D. 1802.

Assistants to the collectors to be assistants to the magistrates.

V. The magistrate shall use a circular seal, one inch and three quarters in diameter, bearing the following inscription, in the Persian character and language, and also in the character and language of the district:

The magistrate's official seal.

"The Seal of the Magistrate of the Zillah of ———."

The seal of each magistrate is to remain in the custody of the magistrate.

To remain in his custody.

VI. The special jurisdiction of the magistrates of the several zillahs is to extend throughout the districts included in the zillahs, in which they are respectively stationed: provided, however, that the magistrates be not considered to have any jurisdiction or authority whatever, in the city or town in which the Zillah Court is situated.

Special jurisdiction of the magistrates of the several zillahs. Exception.

VII. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, house-breakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Magistrates to apprehend all persons charged with crimes and misdemeanors.

VIII. *First.*—Persons accused of treason, murder, robbery, setting fire to any house or village, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient ground for believing the charge, shall not be admitted to bail; but if the charge be for manslaughter, or any species of illegal homicide not involving the crime of murder, the magistrate is authorized to proceed, in the first instance, either by warrant for taking into custody, or by summons requiring bail, as he may judge proper on consideration of the circumstances of the case, and of the condition and character of the party accused.

Crimes which are not bailable.

How a magistrate is to proceed if the charge be for manslaughter, or illegal homicide not amounting to murder.

Second.—The principle of the latter part of the preceding Clause is also declared applicable to persons, appearing from the magistrate's inquiry to have been only privy or incidentally accessory to crimes of a heinous nature, without being concerned therein either as principal, or as aiding and abetting, procuring or instigating the perpetration thereof.

Principle of the foregoing section applicable to persons privy or incidentally accessory to heinous crimes.

IX. The magistrates, upon receiving any charge for any heinous crime or misdemeanor, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed.

Points to be attended to by magistrates in their inquiries into charges preferred to them.

X. *First.*—Upon a complaint being preferred in writing to a zillah magistrate, against any person subject to his jurisdiction, for treason, murder, robbery, house-breaking, theft, setting fire to a village, house or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace, or degree of criminality, as from the facts deposed to before the magistrate, may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate, on the truth of the charge being deposed to by the complainant, or in the manner required by the following Sections, shall issue a warrant under his official seal and signature, specifying the crime charged, and directing the officer entrusted with the execution of it to apprehend the person accused.

How a magistrate is to proceed on a complaint being preferred to him for any of the crimes herein specified declared not bailable; or though the crime charged be of a heinous nature, but not expressly declared to be unbailable.

To issue warrant under his official seal and signature. What the warrant is to contain.

Second.—The warrant shall be in the Form prescribed in No. 1, of the Appendix to this Regulation, and shall be directed to any police officer.

Form of warrant for apprehension.

Third.—If the magistrate shall, in any bailable case, judge it proper to authorize the officer, to whom the warrant is committed, to receive bail for appearance (with or without security for keeping the peace), it shall be so specified in the warrant,

What to be specified in warrant, when bailable, or security for keeping the peace is to be taken.

with the extent of the bail (and security) required, according to the form prescribed in No. 2, of the Appendix to this Regulation.

Form of bail bond for appearance before the magistrate.

Fourth.—The bail to be taken for appearance before the magistrate, shall be in the Form prescribed in No. 3, of the Appendix to this Regulation.

Form of security bond for keeping the peace.

Fifth.—When security may be required for keeping the peace, it shall be taken in the Form prescribed in No. 4, of the Appendix to this Regulation.

Personal attendance of complainant, under certain circumstances herein prescribed, not indispensable.

XI. The attendance and deposition of the complainant shall not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person, or were not himself present at the commission of the act complained of, his written plaint presented by an authorized agent, and corroborated by the deposition on oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present, or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same, and for issuing process against the party accused, unless the magistrate see reason for making the previous inquiry authorized by the following Section: but no warrant for apprehension shall be issued on a complaint, unless the truth of the charge be deposed to on oath (or under a solemn declaration), either by the complainant himself, or by some other credible person. This shall not, however, be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear upon the report of a public officer, or upon any other credible information.

Exception.

No warrant to be issued, unless the charge be sworn or deposed to under a solemn declaration, either by the complainant or some other credible persons.

Magistrate not restricted from issuing process for apprehension, upon the report of officers of police, or other credible information.

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How the magistrate is to proceed if he see cause to distrust the truth of a complaint.

XII. If the magistrate see cause to distrust the truth of a complaint preferred to him, and if the immediate arrest of the party complained against appear unnecessary and objectionable, the magistrate is authorized to postpone his issuing his warrant for apprehension, and to cause a previous inquiry to be made, either by means of the local police officers, or in such other mode as he shall judge most proper for the purpose of ascertaining the truth or falsehood of the complainant's allegations. If the result of such inquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section X. of this Regulation, he shall issue his warrant for apprehending the accused therein directed; but if the accusation appear groundless, or, though well founded, if the offence be of a bailable nature, he is empowered, in the former case, to dismiss the complaint, or in the latter case, to direct bail to be taken from the accused for appearance, in person or by vakeel, to answer the charge, as provided by the following Section.

How a magistrate is to proceed against a person charged with a bailable offence.

XIII. *First.*—Upon a complaint in writing being preferred to a zillah magistrate against a person subject to his jurisdiction, for any bailable crime or misdemeanor which may not appear to require the immediate apprehension of the accused, the magistrate, upon the party complaining making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath or declaration, if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, shall issue a summons under his official seal and signature, to be served by any public officer.

What the summons is to contain.

Second.—The summons in all such instances shall specify the offence with which the accused is charged, and shall, according to the circumstances of the case, contain a requisition to attend, either in person or by vakeel, to answer to the charge on or before a certain day, to be stated in the summons, according to the Form prescribed in No. 5, of the Appendix to this Regulation.

Form to be substituted when bail is required.

Third.—If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, in the Form prescribed in No. 6, of the Appendix to this Regulation.

Bail bond to correspond with that prescribed in Clause fourth of Section X.

Fourth.—The bail to be taken for appearance before the magistrate in pursuance of the above Clause, shall correspond with the Form prescribed by Clause fourth, Section X, of this Regulation.

XIV. If an accused person on whom a summons shall have been served, shall not attend in person, or by vakeel, and give bail (if required), according to the exigence of the summons, within the period limited by it, the magistrate shall issue a warrant under his official seal and signature, for the apprehension of the accused, and if he abscond, or conceal himself so that he cannot be found, shall proceed against him in the manner directed in the following Section.

How a magistrate is to proceed, if the accused on whom a summons may have been served, shall not attend in person, or by vakeel, and give bail if required.

XV. First.—The magistrate is to cause a written proclamation in the language of the district, requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the police officer's return to this effect, is to order the attachment of any land, or other real property, held by the absentee, within his jurisdiction, in the following manner.

Magistrate to proceed against persons who may evade their process by flight or concealment.

Lands or other real property to be attached, on non-attendance after proclamation.

Second.—If the absentee be a proprietor of land, or sudur farmer paying revenue to Government, the magistrate shall hold the land or farm of the absentee in attachment, and take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Government; to whom he is to make an immediate report of any instances of land being attached by him under this Regulation.

Attachment, in what manner to be made, if the absentee be a proprietor or farmer of land paying revenue to Government.

Third.—If the absentee be not a proprietor, or farmer of land paying revenue to Government, but as a dependent talookdar, under farmer, or ujat, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate shall attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge; paying from the product any rent which may become due to the zemindar or other person entitled thereto, and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend, and the attachment of his property be removed.

Or, if the absentee be not of the above description.

Fourth.—In all instances wherein an attachment of property may be made under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, shall direct that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Attachment to be taken off, on attendance of the absentee, and an account rendered of receipts and disbursements.

Fifth.—Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate shall report the case to the Governor in Council, who will pass such order upon it and upon the future disposal of the lands, as he may judge proper.

Report to be made to the Governor in Council in case the absentee shall not attend within six months after the attachment of his lands.

XVI. First.—If any person amenable to the authority of the magistrate, shall resist, or cause to be resisted, any warrant, order or other process of any magistrate, the magistrate of the zillah in which such resistance may have been made, on the same being charged on oath, shall, if practicable, cause the party to be apprehended and brought before him to answer to the charge. If the party shall abscond, or conceal himself so that he cannot be apprehended, the magistrate is to cause a written proclamation, in the language of the district, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party, charged as above, cannot be apprehended, and shall not, within the period fixed by proclamation, appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, and, after receiving his answer to the charge and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

Magistrates how to proceed against persons resisting their processes.

Judgment is to be passed against persons convicted of such offences.

If a proprietor of land paying revenue to Government, or lakheraj land.

Second.—If the offender be a zemindar, talookdar, or other proprietor of land paying revenue to Government, or the proprietor of lands exempt from revenue, situated within the zillah in which the resistance was made, and the case shall not come under the rule provided in Clause fifth of this Section, the magistrate shall declare such lands to be forfeited to Government, and shall hold them in attachment till the receipt of orders from the Governor in Council, to be communicated in the manner hereafter directed.

If a sudur farmer, holding a farm from Government.

Third.—If the offender be a sudur farmer holding a farm from Government within the zillah in which the resistance may have been made, and the case shall not come under the rule provided in Clause fifth of this Section, the magistrate shall declare his lease cancelled, and shall proceed as above required with respect to lands declared forfeited to Government.

If the offender be not of the above descriptions.

Fourth.—If the offender be not a proprietor of land, or sudur farmer paying revenue to Government, as described in the two foregoing Clauses, the judgment against him shall declare him liable to the payment of such fine to Government, as may appear proper, upon a consideration of his rank and circumstances in life, and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender, for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the Civil Courts of Justice. In cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the Superior Tribunal, may commute such fine to imprisonment or corporal punishment.

Magistrates may inflict punishment in certain cases of resistance, without the reference required in clause sixth.

Fifth.—In cases of resistance to the process of a magistrate, not attended with aggravating circumstances, wherein the magistrate, before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences, under Section XXX. of this Regulation, it shall not be necessary to transmit his proceedings for the consideration of the Superior Tribunal, as required by Clause sixth of this Section; but the judgment of the magistrate shall be executed, in such cases, without reference to the Superior Tribunal.

Judgments of magistrates under this Section (with the exception specified) to be reported to the superior tribunal, without whose orders such judgment not to be considered final and conclusive.

Sixth.—Provided always, that the whole of the judgments passed by the magistrates under this Section (with an exception to the judgments passed under the preceding Clause) be immediately reported, with a complete copy of their proceedings, to the Court of Superior Tribunal, and the orders of that Court be received, under the following Section, before the judgment passed by a magistrate, under this Section, be considered final and conclusive.

Superior tribunal how to proceed in cases referred to them under this Regulation.

XVII. The Superior Tribunal on the receipt of the proceedings above referred to, are to pass such order thereupon as they may think proper, on due consideration of the evidence, and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Superior Tribunal is to be final in all cases of fine, imprisonment and corporal punishment; but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the magistrate, to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the collector. In case the magistrate's judgment of forfeiture be set aside, either by the Superior Tribunal, or the Governor in Council, he shall, immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), remove the attachment, and cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Magistrates not restricted from admitting to bail persons accused of resistance to criminal processes, in certain cases.

XVIII. The rules contained in Section XVI. of this Regulation, shall not restrict the magistrates from admitting to bail persons charged with resistance to a warrant, order or other process of a magistrate, in cases not attended with aggravating circumstances;

circumstances; nor in any case when the magistrate, upon receipt of the charge, or in the course of his inquiry respecting it, or after he shall have passed judgment upon it, during the reference required to be made to the Superior Tribunal, may judge proper to admit the defendant to bail. As resistance of process is not included in the specification of crimes declared not bailable, it is hereby declared, that persons apprehended on a charge of resistance of process under this or any other Regulation, and who may not be accused of any aggravating crime in addition to the resistance of process, such as is declared not bailable by Section X. of this Regulation, are to be admitted to bail, until a final decision shall have been passed upon the charge; provided the bail offered by them shall appear to the magistrate sufficient for securing the appearance of the persons so charged, during the prescribed investigation of the case.

In what cases such persons may be admitted to bail.

XIX. In cases of gang robbery, murder or other heinous crime, when the Magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, or when the offenders may not be known, if it appear advisable to the magistrate of the jurisdiction in which the crime may be committed, to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the sum of one hundred current rupees for a surdar or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the magistrate to require a larger reward, he shall report the same to the Court of Superior Tribunal, with his opinion of the reward that should be offered; and the Court of Superior Tribunal may authorize such reward as shall appear sufficient, not exceeding the sum of five hundred current rupees for a surdar or leader, and one hundred rupees for each of the inferior offenders. If these rewards appear to be in any case insufficient, the Court of Superior Tribunal shall report the same for the consideration and orders of Government.

Magistrate how to proceed, when it may appear advisable to offer a reward for the discovery and apprehension of offenders in cases of magnitude.

Discretion vested in the magistrate in such cases.

And in the court of superior tribunal.

In what case a report to be made for the orders of Government.

XX. All specific rewards offered under the discretion of the magistrate, or which may have been duly sanctioned by the Court of Superior Tribunal, or the Governor in Council, under the preceding Section, shall be payable on the conviction of the offender or offenders before the Courts of Circuit. The Courts of Circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, although the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners is well founded: provided further, that it shall be competent to the Courts of Circuit to withhold and prohibit the payment of the whole or any part of the specific rewards offered under the preceding Section, although the persons informed against and apprehended may be convicted, if it should appear on the trial that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any maltreatment from the former, or from any person under his influence.

Reward functioned under the preceding section, when payable.

In what cases the courts of circuit may order payment, in whole or in part, without conviction of the persons apprehended.

In what cases the courts of circuit may also withhold the payment of the rewards offered under preceding section, notwithstanding the conviction of the persons apprehended.

XXI. In cases wherein any meritorious service may have been rendered by police officers, or others, in the apprehension or discovery of public offenders, for whom no specific reward may be payable to the person or persons who have performed such meritorious service, the Courts of Circuit, on due consideration of the service rendered, the exertions made, and any expense incurred in the prosecution of it, are authorized to direct the payment of such remuneration as may be considered adequate, not exceeding the sum of one hundred rupees for a surdar, and ten rupees for an accomplice. If a larger reward be deemed proper, a report of the case shall be made to the Court of Superior Tribunal, who are authorized to direct the payment of any sum not exceeding five hundred rupees. If in any case it appear proper to grant a higher reward or compensation than five hundred rupees, the Court of Superior Tribunal shall report the same for the consideration and orders of Government.

Authority vested in the courts of circuit to direct a remuneration for meritorious service by police officers and others in the discovery or apprehension of public offenders, when no specific reward may be payable to them.

And in the court of superior tribunal.

In what case a report to be made to Government.

XXII. First.—Upon a prisoner being brought in the first instance before the magistrate, charged with any crime or misdemeanor, he shall inquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The witnesses shall be

Prisoner to be examined, but not upon oath; and his deposition to be committed to writing.

examined

The witnesses to the charge to be examined on oath (or solemn declaration) and their depositions to be committed to writing.

Magistrate to discharge the prisoner if there shall not appear evidence of his guilt, recording his reasons for so doing.

Magistrates to send the prosecutor, witnesses and prisoner to the criminal judge, if there shall be evidence that the crime or misdemeanor was committed.

Magistrate need go no further into examinations than may satisfy his mind of the prisoner's guilt.

examined upon oath (or on a solemn declaration if of a rank or cast which would render it improper to take an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this inquiry, if it shall appear to the magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the Court of Circuit, with the calendar ordered to be prepared in Section XXXVIII. of this Regulation.

Second.—If, on the contrary, it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there is evidence of the prisoner's having been concerned in the perpetration of it, the magistrate shall send the prosecutor, the witnesses and the prisoner, with the proceedings on the case, to the Criminal Judge of the zillah. But it shall not be necessary for the magistrate to go further into the examination than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

Documents to be forwarded with the prisoner to the judge.

XXIII. Whenever the magistrate may forward a prisoner to the Criminal Judge under the preceding Section, he shall send by the police peons in charge of the prisoner a paper containing the name of the prisoner, the crime with which he is charged, and date of the charge, the date of his apprehension, and a list of the prosecutors and witnesses, and of all examinations and depositions that may have been taken either by himself or any police officers. The Judge shall immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peons to the magistrate, and no other communication shall be necessary.

Prisoners confessions or confirmations of former confessions of their guilt, to be attested by the number of witnesses required to render them valid. The magistrates to be careful that they are free and voluntary, and to take special care that prisoners suffer no ill treatment after apprehension to compel

XXIV. When a prisoner confesses before the magistrate the crime or misdemeanor of which he may have been accused, the magistrates are to be careful to have such confession witnessed by as many credible persons, not being servants of the Government, who may be present at the time it may be made, as is required to give it validity; but the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary. The magistrates are further required to take special care that persons, upon being apprehended, are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

Magistrate not to admit any compromise in crimes of a heinous nature.

them to speak the truth, or for other purposes.

XXV. No private compromise or *razcenameli* shall be admitted by the magistrate in crimes of a heinous nature, such as on conviction may require exemplary punishment for the ends of public justice.

Rules respecting examinations taken before the magistrate.

XXVI. All examinations and depositions taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and are to be taken and written in the language in which the deponents may desire to have the same recorded.

Magistrates not to receive any charges of perjury.

XXVII. The magistrates of the several zillahs shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the Civil Courts, either as plaintiffs, defendants or witnesses, are hereby declared not to be liable to any prosecution of this description, unless they shall be committed to take their trial by the zillah Judge, under the authority vested in him by Section XIII, Regulation II, 1800.

Individuals attending in civil suits, not liable to prosecution for perjury, unless committed for trial before the judge.

Magistrates to transmit to the superior tribunal, in the month of January of each year, an abstract statement of robberies and other crimes committed in the preceding year, containing the particulars herein specified.

XXVIII. The magistrates are to transmit to the Court of Superior Tribunal and Court of Circuit, in the month of January of each year, in the Form prescribed in No. 7, of the Appendix to this Regulation, an abstract statement of the number of robberies and other crimes of a heinous nature ascertained by the police officers, or otherwise, to have been committed within their respective jurisdictions in the preceding year, the number of persons known or supposed to have been concerned in the commission of such crimes, and the number apprehended and delivered over to the Criminal Judge.

XXIX. All Europeans not British subjects shall be amenable to the authority of the Magistrates, the Criminal Judges and Court of Circuit, within whose jurisdiction they may be apprehended and brought to trial, in common with the natives of the country.

Process to be observed for apprehension and trial of Europeans not British subjects.

XXX. The magistrates are empowered to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender, when convicted, by committing him to prison in the zillah jail, or village chowra, as to them may seem proper, for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine is in no case to exceed the sum of fifty current rupees, unless the offender be a zemindar, independent talookdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand current rupees, or a proprietor of the land paying a quit revenue to Government exceeding five hundred current rupees per annum, or of lakheraj land, the annual produce of which may be above one thousand current rupees, in which cases, such offender shall be liable to a fine not exceeding two hundred current rupees. The magistrate is to fix the amount of the fine under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

Misdemeanors which the magistrates are authorized to try.

And the punishment which they are empowered to inflict for such offences.

XXXI. The magistrates are authorized to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters; and to inflict upon the offenders corporal punishment, not exceeding eighteen rattans, or commit them to prison in the zillah jail, or village chowra, as to them may seem proper, for a term no longer than one month, according as they may think proper upon a consideration of the case.

Crimes which the magistrates are also authorized to try, under the restrictions herein specified.

And the punishment which they are empowered to inflict for such crimes.

XXXII. First.—In cases of a prisoner, punishable by the magistrate under the two preceding Sections, being sent to the zillah jail, the magistrate shall forward, with the prisoner, a warrant in the Form prescribed in No. 8, of the Appendix to this Regulation, addressed to the keeper of the jail, who shall conform to the tenor of the warrant.

Form of warrant referred to, to be addressed by magistrates in certain cases to the keeper of the zillah jail.

Second.—The warrant shall be accompanied by a paper, addressed to the Criminal Judge, containing the name, the crime or offence, and the period of confinement to which the prisoner may have been sentenced. The Judge shall return the paper by the police officers who may come in charge of the prisoner, with an indorsement, attested by his official seal and signature, acknowledging the delivery of the prisoner.

Warrant to be accompanied by a paper addressed to the judge.

The indorsement thereon required.

XXXIII. When the complaints specified in Sections XXX. and XXXI. of this Regulation, shall appear to the magistrate to be litigious vexatious or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section XXXI.

Punishments to be inflicted on the complainants in the cases herein specified, whose complaints are proved to be litigious, vexatious, or groundless.

XXXIV. In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays, in which there may be no reason to apprehend that the party complained against will abscond, bail for appearance shall not be required in the first instance, but may, at any time during the investigation of the charge, be called for by the magistrate, if any circumstances should occur to render it necessary. The officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party. The officer serving the summons in such instances, shall be authorized, on the tender of a razeenamah expressing the plaintiff's desire to withdraw his complaint, and the defendant's acquiescence in the complaint being withdrawn, to receive such razeenamah as a sufficient return to the process committed to him; but, excepting in the trivial cases noticed in this section, no razeenamah shall be received without the special sanction of the magistrate.

In what cases bail for personal appearance shall not be required in the first instance.

But may be required at any time during the investigation.

How an officer, entrusted with the serving of a summons, is to proceed.

In what cases the officer serving the summons shall be authorized to receive a razeenamah, if acquiesced in by the defendant, as a sufficient return to the process entrusted to him.

Provided that, except

in the trivial cases noticed, no razeenamah shall be received without the sanction of the magistrate.

Magistrates not required to make examinations in certain cases matter of record.

XXXV. The magistrates are not required, in the cases of petty offences specified in Section XXXI. of this Regulation, to make their examinations matter of record, when the punishment they may order shall not exceed two days imprisonment, or a fine of five rupees.

Magistrates to pay the customary diet money to prisoners.

XXXVI. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge or delivery to the Criminal Judge.

No fines to be imposed by magistrates but to the use of Government; with a definite period of imprisonment, to be held as equivalent to the fines imposed.

Imprisonment not to exceed periods herein specified.

XXXVII. First.—No fines, except in cases specified in the second Clause of this Section, shall be imposed by a magistrate, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the magistrate who may pass the sentence, shall, at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment, to be held as equivalent to the fine; at the expiration of which, the persons convicted shall be discharged, if they have not previously paid the fine. In cases in which the magistrate shall impose fines, the imprisonment to be fixed by them, as equivalent to the fines, shall not exceed the periods specified in Sections XXX. and XXXI. of this Regulation.

Application of fine when levied in cases of injury to complainants.

Second.—In case of injury to any complainant, when the fine may have been levied, it shall be lawful for the magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable.

Magistrates to submit two calendars to the courts of circuit. What to contain.

XXXVIII. First.—The magistrates shall cause to be delivered to the Court of Circuit, upon their arrival at the places of residence of the Criminal Judges of their respective zillahs, a calendar, in the Form prescribed in No. 9, of the Appendix to this Regulation, containing a list of all persons whom they may have apprehended for crimes or misdemeanors, and discharged for want of sufficient evidence; as also a calendar, in the Form prescribed in No. 10, of the Appendix to this Regulation, containing a list of all punishments which they may have ordered on petty offences or petty thefts, with the exception of those cases which are not required to be made matter of record under Section XXXV. of this Regulation.

What papers and proceedings are to accompany these calendars.

Directions to the circuit judge in certain cases.

Second.—These calendars are to be accompanied with all the original proceedings in each case; and if the Court of Circuit shall be of opinion, that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished, upon insufficient grounds, they are to transmit to the magistrate such written orders on the case as may appear to them proper, to which he shall conform.

Courts of circuit to report instances of neglect or misconduct on the part of magistrates in the discharge of their duty.

Third.—The Courts of Circuit are to report to the Superior Tribunal, for the information and orders of Government, whenever the magistrates omit, or refuse to obey their orders; as also, whenever it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty.

Public officers in the pay of Government, charged with the serving of process, prohibited from demanding or receiving diet money from the parties.

XXXIX. Every summons or other criminal process shall be served by a peon, or other police officer receiving wages from Government; and no diet money, or other allowance or gratuity, shall be demanded or received from the complainant or accused, whether the case be adjusted by razeenamah or otherwise; and the demand or receipt of such by any public officers, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the Magistrate the Criminal Judge of the zillah, or Court of Circuit; the offender shall also be compellable, either by a criminal prosecution or by a civil action, to refund the amount received, besides being liable to immediate dismission from office, under the provisions contained in the existing Regulations.

Magistrates empowered to remove police officers from one station to another, at discretion.

XL. Magistrates are hereby empowered to remove police officers from one station to another within their respective jurisdictions, without any reference to any authority.

Magistrates and their assistants amenable to the zillah court for acts done in their official capacity.

XLI. The zillah magistrates and their assistants are hereby declared amenable to the Zillah Court, in the jurisdiction of which they may reside or carry on the public business committed to their charge, by a civil prosecution, for any act or acts done in their official capacity in opposition to any established Regulation.

Judges of the zillah courts to be criminal judges in their respective jurisdictions.

XLII. The Judges of the Courts of Udawlut of the several zillahs shall hold the office of Criminal Judge of the zillah under their respective jurisdictions: previous to

to entering upon the execution of the duties of the office, they shall take and subscribe an oath, according to the Form prescribed in No. 10 of the Appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it.

XLIII. The registers to the Zillah Courts shall be senior assistants to the Criminal Judges of the zillahs.

Registers to the zillah courts to be senior assistants to the criminal judges of the zillah.

XLIV. The Criminal Judges are authorized to employ their senior assistants in the execution of such part of their prescribed duties, as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the Judge, an oath according to the Form prescribed in No. 11 of the Appendix to this Regulation.

Assistants may, in certain cases, be employed judicially.

Proviso.

XLV. First.—The senior assistants to the Criminal Judges, who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the Judge by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively by the Judges with whom they are stationed.

Senior assistants, having taken the prescribed oaths, may, in certain cases, act judicially.

Second.—The provisions of Section V, Regulation II, 1802, with the exception of what relates to the preservation of the peace in the districts, are hereby declared applicable to the Criminal Judges of the several zillahs, and their assistants.

The provisions of Section V, Regulation II, 1802, declared applicable to the criminal judges and their assistants.

XLVI. The special jurisdiction of the Criminal Judges of the several zillahs, is to extend throughout the districts included in the zillahs in which they are respectively stationed; and they shall also continue to exercise the duties of magistrate in the city or town and suburbs, the seat of the Zillah Court, and port or river which may belong thereto, under the Rules and Regulations already in force, and also such parts of this Regulation for the guidance of the zillah magistrates, as are applicable.

Special jurisdiction of the criminal judges of the several zillahs. And also to exercise, as heretofore, the duties of magistrate at the sudur station.

XLVII. First.—The Criminal Judges are hereby empowered, in all cases of conviction before them of a criminal offence committed in the zillahs, for which the penalties authorized by Sections XXX. and XXXI. of this Regulation, or if committed in the city and town, or suburbs, the seat of the Zillah Court, or port or river which may belong thereto, for which the penalties authorized by Sections VII. and VIII, Regulation III, 1800, may appear insufficient, or to which the rules referred to may not be expressly applicable, and for which a more severe punishment than six months imprisonment with thirty rattans, or a fine of two hundred rupees, may not have been especially prescribed (in which case the prisoner, if there appear grounds for it, must be brought to trial before the Court of Circuit), to pass sentence of imprisonment, not exceeding six months, with corporal punishment not exceeding thirty rattans, in cases of theft, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment, not exceeding six months, so that the entire period of imprisonment under the sentence of a Criminal Judge shall in no instance exceed one year.

Criminal judges empowered, in certain cases, to pass sentence of imprisonment with corporal punishment.

And fine, under the limitations herein specified.

Second.—The powers vested in the Criminal Judge by the preceding Clause, shall not be exercised by the junior assistants in the police department, in the execution of any duties committed to them under the provision of Section VI, Regulation II, 1800. In the performance of such duties, the assistants shall not exceed the powers vested in them by the Regulations heretofore in force; except that, in the case provided for by Section VII, Regulation III, 1800, whenever it may appear proper to impose the fine thereby authorized, in addition to fifteen days imprisonment, both the stated fine and imprisonment may be adjudged, with an eventual commutation of the fine, if not paid, to further confinement for a period of fifteen days, making the entire term of imprisonment, if the fine be not paid, one month of thirty days. In like manner, charges of petty thefts, provided for by Section VIII, Regulation III, 1800, if it appear just and requisite, on consideration of the circumstances of the case, to sentence the offender to one month's imprisonment in addition to the stated corporal punishment of thirty rattans, or of any part thereof, both corporal punishment and imprisonment may be adjudged accordingly. In any case referred to the assistant of a Criminal Judge, under Section VI, Regulation II, 1800, wherein the offence proved against the prisoner may appear to require a more severe punishment than he is hereby

Powers vested in the junior assistants to the criminal judges, explained.

In cases referred to a junior assistant by a criminal judge, should the powers above vested in him

authorized

not be sufficient, he shall not pass sentence, but submit his proceedings to the criminal judge for his decision.

Rules to be observed in referring cases to junior assistants by the criminal judge.

Proceedings held by junior assistants to be examined by the criminal judge.

And should he see cause, to be revised by him, and new sentence passed therein.

Criminal judges competent only to take cognizance of criminal charges brought before them by magistrates, or their police officers.

Except in cases of offences committed at the sudur station; or where an European

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

Prosecutor and witnesses to be examined on oath, or on a solemn declaration, and their depositions to be committed to writing.

Judge to discharge the prisoner if there shall not appear to him sufficient ground for commitment, recording his reasons for so doing.

Judge to punish the prisoner, if the crime be committed, and punishable by him.

Judge to commit the prisoner, or to hold him to bail, if there shall appear to him sufficient ground for so doing.

All bail bonds and recognizances to be for specific sums; to be forfeited on non-performance of the conditions.

Rule for determining the amount of such sums.

Points to be attended to by the judges in their inquiries into charges before them.

authorized to adjudge, he shall not pass any sentence, but shall submit his proceedings to the Criminal Judge; who, after holding any further proceedings he may deem necessary, will, if satisfied of the guilt of the prisoner, either pass sentence on him under Clause first of this Section and the general Regulations in force, or will commit or hold him to bail for trial before the Court of Circuit, according to the nature and circumstances of the case.

Third.—Whenever a complaint or charge of a criminal nature may be referred by a Criminal Judge to his assistant, for examination, under the provisions of Section VI, Regulation II, 1860, the order of reference shall be recorded on the magistrate's proceedings, with instructions, whether to submit the proceedings held upon the examination for the Judge's decision, or whether the determination upon the charge is to be passed by the junior assistant; if it be such as he is authorized to determine under the Regulations. As far as the general duties of the Criminal Judges may admit, they are directed to examine the proceedings held by their assistants in such cases, and to pass judgment thereupon themselves; and in all instances wherein the sentence may be passed by an assistant, if the Criminal Judge, on representation made to him without unnecessary delay, shall see cause to revise the proceedings held by the assistant, and shall disapprove the judgment given by the latter, he is authorized and required to annul the same, and to pass such further sentence or order as may appear just and conformable to the Regulations.

XLVIII. The Criminal Judge of the zillah shall not receive or take cognizance of any criminal charge or information, except such as may be brought before him by a magistrate, or some police officer under his authority; save in cases of offences committed at the sudur station which is under his own immediate superintendence in respect to all matters of police: provided, however, that this restriction shall not be considered applicable to cases in which an European British subject shall be a party.

XLIX. First.—Upon a prisoner being brought before the Criminal Judge, he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath); but the prisoner shall not be required to swear to the truth of his deposition: after this inquiry, if it shall appear to the Judge that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the Judge shall cause him to be forthwith discharged; recording his reasons for releasing him, and submitting them to the Court of Circuit with the calendar ordered to be prepared in Section LXIII. of this Regulation.

Second.—If, on the contrary, it shall appear to the Judge, that the crime or misdemeanor was actually committed by the prisoner, and if it shall be punishable by the Judge under Section XLVII. of this Regulation, he shall adjudge such punishment as he may deem proper.

Third.—If the crime or misdemeanor be not punishable by the Judge, and if it shall appear that it was actually committed, and that there is evidence of the prisoner having been concerned in the perpetration of it, the Judge shall commit him to prison, or hold him to bail (according as the offence may be bailable or not), to take his trial at the next session of the Court of Circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

Fourth.—All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the Judge, upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government, in the event of the condition of it not being performed.

L. The Criminal Judges are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what

what time of the day or night the act complained of was committed. When a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the Judges are to be careful, in cases referrible to the Court of Circuit, to have such confession, or confirmation of a former confession, witnessed by two creditable persons, not being servants of the Government, who may be present at the time it may be made, to give it validity; and to cause such witnesses to be in attendance at the next sessions of the Court of Circuit. All confessions made by prisoners shall be free and voluntary; and notwithstanding such confessions, the Judges are invariably to summon, and bind over to attend at the next sessions, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the Court of Circuit in the same manner as if the prisoner had denied the charge.

LI. In all cases of trial before the Court of Circuit, if the admission of bail has not been prohibited by the Regulations, and the bail tendered shall appear sufficient for securing the appearance of the party accused, he shall be admitted to bail, until sentence be passed upon the charge against him; moreover, in special instances, wherein the Court of Circuit, on report from the Criminal Judge, or on other satisfactory information before them, may deem it just and proper to admit to bail a person charged with an offence not bailable, under the general provisions contained in the Regulations, that Court is declared competent to instruct the Judge to accept sufficient bail, instead of keeping the accused in confinement, whilst the charge against him is under trial. The Court of Circuit may likewise in all bailable cases, wherein the bail required by the Judge shall appear excessive, direct the Judge to receive such bail as may be deemed sufficient to answer the purpose intended by it.

them, to receive such bail as may be by the court of circuit he deemed sufficient.

LII. The bail to be taken under the preceding Section, as well as in all cases of persons being held to bail for trial before the Court of Circuit, shall be according to the Form prescribed in No. 12, of the Appendix to this Regulation.

Bail, if sufficient to secure attendance, may be admitted in all cases not prohibited by the Regulations.

Courts of circuit in certain cases may direct the judge to admit to bail persons accused of offences not bailable under the Regulations.

And may direct judges, wherein excessive bail may have been required by

Form of bail bond of persons to be tried before the court of circuit.

LIII. In all cases of a prisoner being committed or held to bail for trial before the Court of Circuit, the Criminal Judge who may order him to be so committed or held to bail, shall, immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the Court of Circuit, and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings, or, in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the Court of Circuit.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the judge's proceedings, with specification of any witnesses named by him.

LIV. In the event of any person, whether committed or held to bail for trial before the Court of Circuit, at any time before the session of that Court, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed or held to bail, the Criminal Judges are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Any witnesses named before the arrival of the court of circuit to be summoned to attend that court.

LV. All examinations taken before the Criminal Judge are to be written on separate papers, signed by the deponents, attested by the signature of the Judge, and arranged according to their respective dates.

Rules respecting examinations taken before the judge.

LVI. All examinations and depositions are to be taken and written in the language in which the deponents may desire to have the same recorded; and the Criminal Judges shall, in all cases of commitment, and in such cases only, accompany all papers written in the native languages, with a translation in the Persian language, which translation is to be compared with the original by the officers of the Court of Circuit.

Depositions to be taken and written in the language in which the deponents may desire. Papers to be accompanied by a Persian translation, in cases of commitment only.

LVII. The Criminal Judges, upon receiving notice from the Judges of the Court of Circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the Court of

Notice that the criminal judges are to give of the time by which the judges of circuit expect to arrive at their stations.

Circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The Judges shall send a copy of this publication to the magistrates of the zillahs, who shall cause a copy of it to be fixed up in some public place in the principal town or village in each district in their respective zillahs.

Judges to be careful to cause the witnesses on the part of persons committed, or held to bail, to take their trial, to be in attendance by the time of the arrival of the courts of circuit.

LVIII. The Criminal Judges, previous to the arrival of the Court of Circuit at their respective stations, shall again ascertain from the persons committed or held to bail to take their trial, the names or places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the judges to the courts of circuit upon their arrival at their respective stations.

LIX. The Criminal Judges are to have in readiness, to deliver to the Judges of the Court of Circuit upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the Form prescribed in No. 13, of the Appendix to this Regulation.

Documents which are to accompany the calendar.

LX. The calendar is to be accompanied with the Criminal Judge's proceedings on each charge, which shall contain the following vouchers, or as many of them as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the Judge may have in his possession or deem necessary to be obtained, for the information of the Court of Circuit.

1st. An attested copy of the complaint or charge.

2d. An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

3d. The name or names of the person or persons apprehended.

4th. The examination of the person or persons apprehended.

5th. The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

6th. A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

7th. The depositions of the witnesses who may have been in attendance.

8th. The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

Further documents to be produced if required.

LXI. The following documents shall also be delivered, if required by the Judges of the Court of Circuit.

1st. The prosecutor's recognizance to appear and prosecute to the charge.

2d. The recognizances of the prosecutor's witnesses.

3d. A copy of the magistrate's warrant or summons for the apprehension or appearance of the offender.

4th. A copy of such examinations as may have been taken by the magistrate, or by any police officer under him.

Magistrates to furnish the courts of circuit with the original returns of the nazir respecting summonses to witnesses not in attendance; both nazir and person deputed to attend the court of circuit.

LXII. The list of witnesses shall further be accompanied with the original returns made to the Criminal Judge by the nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance, and the nazir, and person so deputed on his part, shall be kept in attendance on the Court of Circuit to answer any interrogatories which that Court may have occasion to put to him, to the end that the Court of Circuit may be enabled to ascertain the real cause of the non-attendance of any witness, by their own inquiry, and to evince to the Court of Superior Tribunal, in cases referrible to that Court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

LXIII. The

LXIII. The Criminal Judges are to lay before the Court of Circuit, upon their arrival at their respective places of residence, two separate calendars : the first containing a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor charged against them; and accompanied with their reasons for having released them, as prescribed in Section XLIX. of this Regulation; the second, comprising a list of the persons whom they may have punished for crimes or misdemeanors cognizable by them; the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them : these calendars shall be in the Form prescribed in Nos. 9 and 10, of the Appendix to this Regulation, and are to be accompanied with all the original papers and proceedings in each case; and if the Court of Circuit shall be of opinion, that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished, upon insufficient grounds, the Judges of those Courts are hereby authorized, whenever any case so brought before them may appear not to have been sufficiently investigated, and a further inquiry may be practicable and requisite for the ends of justice, to direct such additional inquiry to be made by the Criminal Judges; and the result to be communicated to the Judges of the Court of Circuit collectively, for their orders on the case.

Two further calendars herein specified, to be submitted by the judges to the courts of circuit.

What papers and proceedings are to accompany these calendars.

The judges of circuit are authorized, whenever any case may appear not to have been sufficiently investigated, to direct a further inquiry to be made by the judge; and the result to be communicated to the court of circuit collectively, for their orders.

LXIV. Two or more Judges of a Court of Circuit, forming a Court at the sudur station, are hereby declared competent, on all occasions when it may appear necessary upon petitions presented to them relative to the proceedings of any Criminal Judge, or of an Assistant to a Judge within their jurisdiction, to call upon the Judge for his proceedings, or those of his Assistant, on the case; and to pass such orders thereupon as they may deem proper and consistent with the Regulations.

Two or more judges of a court of circuit, competent to call for the proceedings of a criminal judge, or his assistant, on occasion of petitions being presented to them relative to such proceedings; and to pass such orders thereupon as may be proper.

LXV. In like manner, the Court of Superior Tribunal are declared competent to call for the proceedings of any Court of Circuit, or of any Criminal Judge, or Assistant to a Judge, whenever it may appear requisite; and to pass such orders thereupon as that Court may deem just and proper.

The superior tribunal competent to call for the proceedings of the courts of circuit, and of the criminal judges, whenever requisite; and to pass such orders as may appear proper.

LXVI. If the Criminal Judge shall commit any zemindar, independent talookdar, or other actual proprietor of land, to be tried before the Court of Circuit, he is to notify the commitment to the collector of the zillah, that, if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

Judge to notify the commitment of proprietors of land to the collector of the zillah.

LXVII. The jail of the zillah shall be placed under the exclusive charge of the Criminal Judge of the zillah.

The zillah jail placed under charge of the judge.

LXVIII. The Criminal Judge shall visit the jail at least once in every month and redress all well-founded complaints of ill-treatment which may be preferred to him by the prisoners against the jailor or any officer having charge of them: he is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Judges, how often to visit the jail, to redress all well founded complaints.

To attend to the health and cleanliness of the prisoners.

LXIX. Separate apartments in the jail shall be allotted for the following descriptions of prisoners.

Description of prisoners ordered to be confined in separate apartments.

1st. Prisoners under sentence of death.

2d. Prisoners sentenced to confinement, by a Criminal Judge, by the Court of Circuit, or the Superior Tribunal.

3d. Prisoners committed to take their trial before the Court of Circuit.

4th. Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him. And as the crimes proved or alleged against the second and third descriptions of prisoners must be of different degrees of atrocity, the Criminal Judges are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners.

Further descriptions of prisoners to be confined in separate apartments.

Females to be kept separate from male prisoners, in all cases.

prisoners, so as to prevent their having any communication with each other; and the rules prescribed in this Section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The Judges are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the jails.

Charges and the orders passed upon them by the Judge, to be recorded in English and the language of the district. Judges to pay the customary diet money to prisoners.

LXX. All complaints or charges, with the orders upon them, are to be recorded in the office of the Criminal Judge, in the English language and in that of the district in which the Court may be held.

LXXI. The Criminal Judges are to pay the customary daily subsistence money to all prisoners, from the time of their being delivered over to them, to the date of their discharge.

The judges are to pay to persons released after a confinement of six months or upwards, a sum sufficient for a month's subsistence, if they stand in need of it, but in no case to exceed five rupees.

LXXII. The Criminal Judges are to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentences, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be so paid to each individual, is to be regulated by his situation in life, but it is in no case to exceed five current rupees, and in every instance is to be confined as much within that amount, as may be consistent with the purpose for which the allowance is granted.

Judges to pay to prosecutors and witnesses: two annas per day each, if they stand in need of it, during their attendance on the court of circuit.

LXXIII. The Criminal Judges are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas of a rupee each, during their attendance on the Court of Circuit, and the same allowance for as many days as, in their opinion, may be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

Amount of fines imposed, how to be disposed of.

LXXIV. The provisions of Section XXXVII. of this Regulation, respecting the imposition and disposal of fines by the magistrate, are hereby declared equally applicable to the office of Criminal Judge.

Judges to transmit the quarterly reports hereinafter specified.

LXXV. The Criminal Judges are to transmit to the register of the Superior Tribunal quarterly reports, on the 1st of January, 1st of April, 1st of July and 1st of October, drawn out according to the Forms prescribed in Nos. 15, 16, 17, 18 and 19, of the Appendix to this Regulation, which shall contain the several particulars therein specified. The reports for each quarter are to be despatched from the several stations, so as to arrive at Bombay by the twentieth of the first month of the ensuing quarter.

As also further reports after each jail delivery, as herein specified.

LXXVI. The Criminal Judges are to transmit to the register to the Superior Tribunal, within twenty days after the Judges of Circuit have finished the business of the Circuit or jail delivery at their respective stations, reports, according to the Forms prescribed in Nos. 20 and 21 of the Appendix to this Regulation, which shall contain the several particulars therein specified.

Judges to submit, in the month of January, an annual report to the superior tribunal, containing the particulars herein specified.

LXXVII. The Criminal Judges are to transmit to the Superior Tribunal, in the month of January of each year, an annual report of all criminal cases depending before them, or their assistants respectively, on the 31st of the preceding month of December, according to the Form prescribed in No. 22, of the Appendix to this Regulation, which shall contain the several particulars therein specified.

Judges may call for certain documents from the zillah magistrate.

LXXVIII. The Criminal Judge may call for any documents required to be transmitted to him by the zillah magistrates under Section XXIII. of this Regulation, or by a police officer under Section XXVI, Regulation IV, of 1818, which may not be so transmitted. And it is hereby declared, that nothing in the existing Regulation is intended to prohibit a full and free communication between the Criminal Judge and the Magistrate, on all subjects connected with the discharge of their respective duties in those capacities.

The provisions of certain sections made applicable to the criminal judge.

LXXIX. Such parts of Sections II, III, and IV, of Regulation II, 1802, Section VIII, Clause seventh Section X, Sections XII, XIII, XIV, XXI and XXIII, Regulation VIII, 1812, Sections XI, XII, XIII, and XIV, Regulation IX, 1812, as refer to the magistrate, are hereby declared to be applicable to the Criminal Judge only.

Criminal judges and zillah magistrates to

LXXX. The Criminal Judges and Magistrates of the several zillahs, who have not already taken the prescribed oath of qualification to act as Justices of the Peace of their

their respective districts, are required to do so within three months from this date ; and all persons hereafter appointed to the station of Criminal Judge or Magistrate, are required to take the said oath within three months from the date of their appointment.

take the prescribed
oath as justices of the
peace.

APPENDIX.

No. 1.

Form of Warrant for Apprehension.

To
WHEREAS inhabitant of stands charged on the oath
(or solemn declaration) of inhabitant of with the crime
of

You are hereby directed to apprehend the said and produce him
before the magistrate of the said zilla. In this fail not. Dated the day
of A. C. corresponding with

No. 2.

Form of Warrant requiring Bail or Security.

WHEREAS inhabitant of stands charged on the oath
(or solemn declaration) of inhabitant of with the crime
of

You are hereby directed to apprehend the said and to
require bail in the sum of rupees for his appearance before the
magistrate of the said zillah, on or before the You are further
required to take security from the said for keeping the peace in
the sum of rupees; if the said shall not give the bail
and security above stated, you are directed to bring him before the magistrate of
the said zilla. Herein fail not. Dated this day of
A. C. corresponding with

No. 3.

Form of Bail Bond for Appearance before the Magistrate.

WHEREAS inhabitant of stands charged with
and is required to appear before the magistrate of the zillah of
on or before the to answer to such charge; I hereby
bind myself to produce the said before the said magistrate, on the
date aforesaid, and to be answerable for his appearance, until a final
order be passed by the magistrate upon the said charge. In default whereof,
I further bind myself to forfeit to Government the sum of rupees
In this I will not fail. Dated this day of A. C. corresponding
with

No. 4.

Form of Security Bond for keeping the Peace.

WHEREAS inhabitant of stands charged with
and has been called upon to give security to keep the peace, whilst
such charge is under investigation; I hereby declare myself security of the said
that he shall not commit any act that can occasion a breach
of the peace whilst the said charge is under examination. In default whereof I
further hereby bind myself to forfeit to Government the sum of rupees
Dated this

No. 5.

Form of Summons.

To inhabitant of
 WHEREAS a complaint has been preferred on oath (or solemn declaration) by
 inhabitant of charging you with the crime
 you are hereby required to appear (in person or by vakeel)
 before the magistrate of the zillah of on or before the day of
 to answer to the said charge. Herein fail not. Dated the
 day of A. C. corresponding with

No. 6.

Form of Summons when Bail is required.

To inhabitant of
 WHEREAS a complaint has been preferred on oath (or solemn declaration) by
 inhabitant of charging you with
 you are hereby required to appear (in person or by vakeel) before the magistrate of
 the zillah of on or before the to answer to the said
 charge; you are further required to give bail in rupees for your appear-
 ance (in person or by vakeel) on the day aforesaid. Herein fail not. Dated the
 day of A. C. corresponding with

No. 7.

ABSTRACT Statement of Robberies and other Crimes of a heinous nature ascer-
 tained by the Police Officers, or otherwise, to have been committed within the
 zillah of in the year of the number of Persons
 known or supposed to have been concerned in the commission of such Crimes;
 and of the number apprehended and delivered over to the Criminal Judge.

DESIGNATION AND NUMBER OF CRIMES.						Computed number of persons concerned.	Number apprehended and delivered over to the Criminal Judge.	
1. Robbery and murder	-	-	-	-	-	10	100	50
2. Robbery without murder	-	-	-	-	-	20	200	100
3. Affrays and violent assaults, attended with homicide, maim- ing or wounding	-	-	-	-	-	20	200	100
4. Murder	-	-	-	-	-	5	20	10
5. Housebreaking	-	-	-	-	-	20	40	20
6. Thefts of considerable amount, or attended with aggra- vating circumstances	-	-	-	-	-	30	60	30
7. Receiving stolen goods	-	-	-	-	-	20	20	20
8. Arson, when committed distinctly from other offences	-	-	-	-	-	5	20	10
9. Rape	-	-	-	-	-	2	2	2
10. Adultery	-	-	-	-	-	4	4	4
11. Perjury	-	-	-	-	-	10	10	10
12. Forgery	-	-	-	-	-	5	5	5
* TOTAL - -						151	681	361

Note.—Remarks to be subscribed on the increase or decrease of any particular designation of crime, or the greater or less number of persons concerned or apprehended, or on any other circumstance which may call for observation.

No. 8.

Form of Warrant of Commitment.

To the Keeper of the Jail at

WHEREAS *A. B.* having been convicted of (here specify the offence) was sentenced by me under this date, to be imprisoned for and during the space of _____ days from the date hereof. Now you are hereby required to receive the said *A. B.* into your custody in the said jail; and there safely to keep him the said *A. B.* until the expiration of the said _____ days from the date hereof; and then to release him.

Given under my hand and seal at
in the year of our Lord 181

in the zillah of

No. 9.

CALENDAR of Persons discharged by the Magistrate of the zillah of

No.	Names.	Offence.	Date of Apprehension.	Date of Release.	Reasons.
1	Rameah - - -	Murder - -	1st January	10th Jan. -	Want of Evidence.
2	Venkatah - - -	Highway robbery	10th March	15th March	Charge groundless.

No. 10.

CALENDAR of Persons punished by the Magistrate of the zillah of

No.	Names.	Offence.	Punishment.	Date.
1	Ramiah - - - - -	Assault - -	6 Rupees fine -	5th December.
2	Mootoo - - - - -	Petty Theft -	12 Rattans - -	"

No. 11.

Form of Oath to be administered to the Criminal Judges.

I, *A. B.* appointed Judge of the zillah of _____ solemnly swear, that I will to the best of my ability preserve the peace of the sudur station of the Zillah Court over which my authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward or emolument whatsoever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council. So help me God.

No. 12.

Form of Oath to be administered to the Assistants to the Criminal Judge.

I, *A. B.* Assistant to the Criminal Judge of the zillah of _____ solemnly swear, that I will to the best of my ability assist the said Criminal Judge in preserving the peace of the sudur station of the Zillah Court over which his authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fees, emolument or reward whatever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council

do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council. So help me God.

No. 13.

Form of Bail Bond.

WHEREAS inhabitant of stands charged with and has been admitted to bail by the Criminal Judge of on condition of his appearance to stand his trial on the said charge before the Court of Circuit for the division of I hereby bind myself to produce the said before the said Court of Circuit at their next session of the zillah of on the date whereupon his appearance may be required either by a general proclamation, or by a special notice from the Judge; and to be answerable for his appearance before the Court of Circuit until a final sentence be passed upon the said charge; in default whereof, I further bind myself to forfeit to Government the sum of rupees In this I will not fail. Dated

No. 14.

CALENDAR of the Prisoners committed or held to bail by the Criminal Judge of the zillah of to take their Trial before the Court of Circuit for the Division of

Names of the Parties.	Abstract of the Charges, and Date on which they were preferred.	Date of the apprehension of the Offenders.	Names of the Prosecutors Witnesses.	Abstract of the Examination Grounds and Date of Commitment for trial.	Names of Prisoners held to bail.	Names of the Witnesses on the part of the Prisoners.
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No. 15.

REPORT of Persons apprehended in the zillah of and delivered to the Criminal Judge in the months of January, February and March 18

No.	Names.	Abstract of the Crime or Charge.	Date of Apprehension.	Punished, and in what manner.	Released, or if allowed a Fine.	Committed, and the Date of Commitment.	Before what Court of Circuit to be tried.
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ABSTRACT:

Punished - - -
Committed - - -

Total

Note.—If before the close of the quarter, a greater number of persons charged with crimes may be brought before the Criminal Judges than they are able to examine and proceed with, as prescribed, previous to the expiration of it, the Judges in such cases are to insert the names of persons in that predicament, in the above Report of Persons apprehended, in an additional column, under the head of “not examined.”

No. 16.

REPORT of Casualties, and of Prisoners released in the zillah of
the months of January, February and March 181

in

No.	Name.	Crime.	Removal to what Places, and when.	Natural Death, and when.	Escaped, and when.	Released, and when.

No. 17.

REPORT of Sentences of the Superior Tribunal received in the first Quarter, ending
the 31st of March 181

No.	Name.	Date of Commit- ment.	Crime.	Date of Reference.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT :

Death	-	-	-	-	-	-	"
Imprisonment for life	-	-	-	-	-	-	"
Temporary imprisonment	-	-	-	-	-	-	"
Stripes	-	-	-	-	-	-	"
Released	-	-	-	-	-	-	"
Total							"

No. 18.

REPORT of Prisoners under the charge of the Judge, to be tried
the 31st March 181

on

No.	Names.	Crime.	Date of Commitment.	At large upon Bail.	In Jail.

ABSTRACT :

In confinement	-	-	-	-	-	"
At large upon bail	-	-	-	-	-	"
Total						

No 19.

REPORT of Prisoners tried, and whose Cases have been referred to the Superior Tribunal, and on whom the Sentence of that Court has not been received.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	When referred.

ABSTRACT :

Referred in former quarters -	-	-	-	„
Referred in the present quarter -	-	-	-	„
Total				„

31st March
181

No. 20.

REPORT of Prisoners on whom Sentence has been passed by the Court of Circuit for the Division of in the first Session of 181 without reference to the Superior Tribunal.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT :

Punished with stripes	-	-	-	-	„
Imprisoned	-	-	-	-	„
Fined	-	-	-	-	„
Released	-	-	-	-	„
Total					„

No. 21.

REPORT of Prisoners confined under Sentence to the of

No.	Name.	Imprisonment for Life.	Temporary Imprisonment.	Date of Commitment.	Sentence when passed.

ABSTRACT :

Imprisonment for life -	-	-	-	„
Temporary imprisonment	-	-	-	„
Total				„

No. 22.

REPORT of Criminal Cases depending before the Criminal Judge of the zillah
of and his Assistants, on the 31st of December 181

No.	Names of the accused.	Whether in confinement or under bail.	Crime charged.	Date of Charge.	Date of Apprehension, or first Appearance of the accused.	Explanations of considerable delay, or other Remarks.

A. D. 1818. REGULATION IV.

A REGULATION for the establishment of a general system of Police throughout the Territories subject to the Government of Bombay :—Passed by the Right honourable the Governor in Council of Bombay on the 10th June 1818; corresponding with the 6th of Jest Sood, Sumbut or Vekramajet era 1874; Salbahan 1740; and 5th Shaban 1233 of the Hijree.

IT being expedient that a system of police, founded chiefly upon the ancient usages of the country, should be established throughout the territories subject to the Government of Bombay, and that the powers and authorities of the several classes of persons to be entrusted with the performance of police duties, should be defined; the Right honourable the Governor in Council has been pleased to enact the following Rules, to have effect from the 1st of August 1818 inclusive.

Preamble.

II. The present establishments of foudjars and tanahdars, shall from the first day of August 1818, be abolished; and the duties heretofore discharged by those persons, shall be performed by persons of the descriptions hereinafter mentioned.

Present establishment of foudjars and tanahdars abolished.

1st. Heads of villages, as described in Section III. of this Regulation, aided by tulaties or village registers, burtuncyas, rowneesas, and other village watchers.

The persons by whom police duties are hereafter to be discharged.

2d. Koomashdars or native collectors of districts, by whatever name designated, with the assistance of goomashitas, mehtas, and establishments of peons.

3d. Zumeendars.

4th. Umeens of police.

5th. Kotewals and their peons.

6th. Magistrates and their assistants.

7th. Criminal Judges in charge of police at the sudur stations of the Zillah Court, and their assistants.

III. *First.*—Heads of villages shall be heads of police of their respective villages.

Heads of villages to be heads of police in their villages.

Second.—In villages where there may be more than one head-man coming under the denomination of patels, puteedars, or other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the head of the village; no person shall act as head of the village, who does not generally reside in it; where the head of the village is not resident, the person who rents or manages the village under him shall be considered as the head of the village.

Heads of villages described.

In doubtful cases, heads of villages to be selected by the collector.

Third.—Where, from the names of two or more persons being introduced into the same peeta, as heads of the village, or from any other cause, doubts may arise as to whom the office of head of the village belongs, the collector shall select one person, and give him a peeta to act as the head of the village.

Heads of villages to apprehend offenders, and to forward them to the police office in the district.

Exception.

IV. First.—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks and water channels; and, except in the trivial cases wherein they are authorized by Section IX. of this Regulation to inflict punishment, they shall forward the persons, whom they may apprehend, together with the accusers and witnesses, to the police officer of the district.

Heads of villages not to receive confessions.

Nor to detain any person in their custody longer than twenty-four hours.

Second.—Heads of villages shall not receive from any person whom they may apprehend any confession, either verbally or in writing, except in the trivial cases referred to in the preceding Clause; nor shall they on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty-four hours.

Heads of villages authorized to call upon the inhabitants generally for assistance.

Proviso.

V. In cases of emergency, the head of the village is authorized to call upon the inhabitants generally, to assist him in securing offenders: and all the inhabitants of the village are hereby required to co-operate with him on such occasions; provided that no person who is prohibited by the rules of his cast, or profession, from performing such service, shall be compelled so to do.

Heads of villages authorized to call on the heads of neighbouring villages for assistance.

VI. If heads of villages shall be unable with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the heads of neighbouring villages for assistance: and all heads of villages are hereby required to afford the most prompt assistance, whenever they may be called upon by their neighbours so to do.

Heads of villages to communicate to each other information on subjects connected with the peace of their respective villages.

VII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers or suspicious persons having entered or taken refuge in each other's villages; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Heads of villages to report to the police officers of the districts, the arrival of suspicious persons in their respective villages.

VIII. Heads of villages shall report to the police officer of the district, the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

Heads of villages authorized to inflict punishment in certain cases.

Limitation of punishment.

IX. First.—In cases of a trivial nature, such as abusive language, and inconsiderable assaults or affrays, heads of villages shall have authority, on a verbal examination, either to dismiss the parties, or if the offence charged shall be proved to have been committed by the persons accused of it, and shall appear deserving of punishment, to confine the offending parties in the village chowra, for a time not exceeding twelve hours; or if the offending parties shall be of any of the lower casts of the people, on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks, for a time not exceeding six hours.

Heads of villages to report to the police officer of the district all cases wherein they have inflicted punishment.

Second.—Heads of villages shall report to the police officer of the district, all cases in which they shall have exercised the power of punishment granted to them by the first Clause of this Section; but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages, how to proceed on receiving information of stolen property.

X. First.—Where heads of villages may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property, if found, to be secured and forwarded with the offender to the police officer of the district. If the place of concealment be a dwelling-house, the search shall be made only between sun-rise and sun-set.

Heads of villages to apprehend and send to the police officer all persons found selling property suspected to be stolen.

Second.—Heads of villages shall apprehend and send to the police officer of the district all persons who may be found selling property, which there may be reasonable ground to suspect has been stolen, and of which such persons may not be able to give a satisfactory account.

Third.—Heads of villages shall also send to the police officer, along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

To send also to the police officer the persons acquainted with the circumstances of the case.

XI. Heads of villages shall take charge of all stray cattle, horses, sheep and other strays of which the owners may not be known, and shall report each case to the police officer of the district.

each case to the police officer of the district.

XII. *First.*—The head of the village, on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the village register and two or three respectable inhabitants, in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body, and its appearance when discovered; or regarding the murder of the deceased, if the body should have been deprived of life by murder.

Heads of villages how to proceed on the discovery of dead bodies.

Second.—The head of the village, on receiving information of the discovery, shall also, without delay, send notice of it to the police officer of the district; and if the police officer shall arrive at the spot in time to inquire into the circumstances under which the body may have been discovered, the inquiry shall be conducted under his superintendence.

Heads of villages to send notice of the discovery of dead bodies to the police officer of the district.

Third.—If the police officer should not appear to conduct the inquiry, the head of the village shall cause the village register to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The head of the village shall attest such report with his signature, and having procured it to be attested by two or more of the inhabitants who may be present at the investigation, and by the village register, he shall forward it to the police officer of the district, with the evidence he may have taken.

Heads of villages how to proceed if the police officer should not appear to conduct the inquiry.

Fourth.—If on the proceedings of the head of the village, there shall in any case appear ground for suspecting any person or persons, who may be within his jurisdiction, of having committed the murder, the head of the village shall immediately apprehend and send such person or persons to the police officer of the district.

Heads of villages to apprehend and send to the police officer of the district any person suspected of committing the murder.

XIII. Village registers shall keep registers, according to the following Form, of persons confined by the heads of villages under Section IX. of this Regulation; and these registers shall be transmitted monthly by the heads of villages to the police officers of their respective districts, to be forwarded to the magistrate.

Registers of persons confined by heads of villages to be kept by village registers.

And transmitted monthly to the police officer of the district.

REGISTER of Persons punished in the Village of
month of

in the

Form of Register.

No.	Name.	Offence.	Punishment.	Date.
1	Jeewan Bhookun - -	Drunken riot - - -	{ Confinement in the stocks for six hours - - - }	1st.
2	Lukhmeedas Peetanber -	Abusive language - -	12 hours confinement -	2d.
3	Suved Hoosein Suyed Jafur	Assaulting a woman -	12 hours confinement -	3d.

XIV. Village watchers, by whatever local name distinguished, shall perform their customary police duties, under the immediate authority of the heads of their respective villages; but they shall not be called upon to make compensation for losses by theft.

Village watchers to perform police duties. Not to make compensation for losses by theft.

XV. In villages, where the office of village watcher does not exist, and where it appears that the duty cannot be discharged by any of the other village servants, village watchers shall, when necessary, be appointed by the magistrate, and shall, as far as possible, be selected from D'hers, B'heels and other casts best qualified for police duties.

Village watchers to be appointed to villages where none exist.

From what classes of persons to be selected.

XVI. *First.*—The office of village watcher, wherever it may be found to exist, and wherever it may be hereafter created, under the provisions of the preceding Section, shall be hereditary.

The office of village watcher to be hereditary.

Death of village watcher to be reported to the police officer of the district.
And the name of the successor to the office.

Allowances made to village watchers appointed under Section XV. of this Regulation.

Village watchers to be deprived of office only by sentence of the magistrate or a superior authority.

The magistrate to appoint to the office of village watcher on failure of heirs.

Village watchers liable to be suspended for neglect of duty.

Village watchers to apprehend and carry before the head of the village, persons found or accused of committing offences.

Village watchers to report suspicious persons to the village register and head of the village.

Village watchers to give information of all that concerns the peace and good order of the village.

Kotewals and their peons to be subject to the koomashdar and head of the village.

Koomashdars or native collectors of districts to be, ex officio, heads of the police of their respective districts.

The revenue servants to perform police as well as revenue duties.

Koomashdars to assist the village police.

Koomashdars to send peons to markets, &c.

How to proceed on information of heinous offences.

What evidence to be taken in these cases by koomashdars.

Second.—Upon the death of any village watcher, the head of the village shall report the same to the police officer of his district, for the information of the magistrate; and also the name of the person who may have succeeded by inheritance to the office.

XVII. Village watchers appointed under Section XV. of this Regulation, shall be entitled to receive such allowances in land, grain or money, as Government may allot for their maintenance; and the allowances thus made, shall be hereditary in their families.

XVIII. First.—No village watcher shall be deprived of his office, but by the sentence of the magistrate, or of a superior judicial authority; and in such case, the heir of the person so deprived of his office, shall succeed to it.

Second.—In failure of heirs on the death or dismissal of a village watcher, the magistrate shall appoint a person to the office.

XIX. Village watchers shall be liable for neglect of duty to be suspended from the office by the magistrate, for a period not exceeding six months.

XX. Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace, and carry them before the head of the village. They shall likewise apprehend and carry before the head of the village, all persons charged with committing offences or breaches of the peace, and shall require the prosecutor to accompany them.

XXI. Village watchers shall report to the village register and the head of the village, all suspicious persons, either residing in or passing through the village.

XXII. Village watchers shall likewise report to the village register and head of the village, all information which they may obtain connected with the peace and good order of the village; and they shall, in all things connected with their duty, obey such orders as they may receive from the heads of their respective villages.

XXIII. Kotewals and their peons, wherever it may be necessary to employ them, shall be subject to the authority of the koomashdars and heads of the villages; and shall be directed by their orders, in all police duties, in furnishing supplies for travellers, and in the maintenance of the peace.

XXIV. First.—Koomashdars or native collectors of districts, by whatever name designated, shall, ex officio, be heads of the police of their respective districts; they shall be charged with the maintenance of the peace; and they shall report to the magistrate all acts which they may do, and all material information which they may receive, connected with their police duties.

Second.—The gomashdas, mehtas and peons, who are or may be employed under koomashdars of districts, shall perform the duties of police as well as revenue duties; and they shall be considered officers of police as well as revenue servants.

XXV. First.—Koomashdars shall render all possible assistance to the village police, on or for the apprehension of offenders.

Second.—They shall also send peons to markets, fairs and other public meetings in their district, in order to preserve the peace.

XXVI. First.—Upon a complaint being made to a koomashdar, of any murder, robbery, house-breaking, theft of a considerable amount or attended with aggravating circumstances, setting fire to a house or other buildings, counterfeiting the coin, or other heinous offence, he shall make such inquiries as may be necessary to ascertain whether any credit be due to the accusation; and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be accused, or to whom suspicion may attach of having committed the offence.

Second.—When the accused or suspected persons shall be brought before the koomashdar, he shall take down in writing, in their presence, the depositions of the witnesses who may be present; and if in the course of the inquiry it shall appear that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Third.

Third.—The koomashdar shall also receive the confession of the prisoner in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing, and signed, or if the prisoner should be unable to write, marked by the prisoner in the presence of two or more respectable persons, not being servants of the Government.

Koomashdars may receive confessions of prisoners.

Fourth.—So soon as the koomashdar shall have finished the investigation, which shall be completed within forty-eight hours if possible, he shall forward his proceedings, with the prisoner and witnesses, to the Criminal Judge of the zillah, with a report in the following Form :

Koomashdars to forward their proceedings to the criminal judge.

REPORT of the Koomashdar of
Prisoner charged with respecting the Report.

Name of Prisoner.	Crime.	Date of Charge.	Date of Apprehension.	Name of Prosecutor.	Name of Witnesses.	List of Depositions.
Chundeea Rohva.	Murder.	1st Jan.	5th Jan.	Abdoola Qasim.	Ameer Moohummud. Rameshwar Gunnesh.	1st, Deposition of Prisoner. 2d, of Prosecutor. 3d, of Ameer Moohummud. 4th, of Rameshwar Gunnesh.

Date

Signature of the Koomashdar.

Note.—If a delay of more than forty-eight hours should occur, an explanation of the cause of such delay is to be stated at the bottom of the report.

Fifth.—The Criminal Judge shall, immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peon to the koomashdar, and no other communication shall be necessary.

The judge to certify on the back of the paper, the receipt of the prisoner and documents.

XXVII. If a prisoner should, in his confession made before a koomashdar, criminate another person, the koomashdar shall secure such person ; and provided the accusation be corroborated by any persons who may appear or be brought by summons before the koomashdar, he shall forward such accused person to the criminal Judge, together with the witnesses and his proceedings in the case, as is directed in the preceding Section.

Koomashdar how to proceed if a prisoner in his confession criminate another person.

XXVIII. Upon the arrival of persons charged with any heinous offence, who may have been apprehended and forwarded to the koomashdar by heads of villages, the koomashdar shall proceed as directed in the two foregoing Sections.

How the Koomashdar is to proceed, on persons charged with heinous offences being sent to him by heads of villages.

XXIX. Any officer of police, or other person maltreating a prisoner or witnesses, for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate, according to the nature of the case ; and should the offence be of an aggravated nature, the party offending shall be forwarded to the Criminal Judge, to be punished by him, or committed for trial before the Court of Circuit.

Officers of police or others, maltreating a prisoner or witness, how punishable.

XXX. In cases of bailable offence or misdemeanor, which shall not appear to require the immediate apprehension of the party accused, the koomashdar shall summon him in writing, and take his declaration, and if necessary, the depositions of any witnesses to the truth of the charge ; he shall then take security for the appearance of the party accused, together with the accuser and witnesses, on a stated day, before the magistrate ; to whom he shall immediately report the case and transmit the depositions.

Koomashdars how to proceed in certain bailable cases.

XXXI. First.—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Bail not to be required in trivial cases. Exception.

Second.—If the charge in such cases shall appear groundless, or if the parties shall agree, in writing, the plaintiff to withdraw, and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the koomashdar shall dismiss the complaint, without making any report thereof to the magistrate.

Koomashdar to dismiss trivial complaints in certain cases.

XXXII.

Koomashdar how to proceed on complaint of offences specified in Section IX.

XXXII. First.—Where complaints of offences of a trivial nature, such as are specified in Section IX. of this Regulation, may be preferred to a koomashdar in the first instance, he shall inquire into the same, and if the offence be proved, he shall have authority to punish the offender, by imposing on him a fine not exceeding one rupee, or by confining him in the chowra for a time not exceeding twenty-four hours, or if he shall be of any of the lower casts of the people, by putting him in the stocks for a time not exceeding six hours.

To forward monthly registers of punishments to the magistrate.

Second.—The koomashdar shall keep registers of punishment according, to the Form prescribed in Section XIII. of this Regulation, to be forwarded monthly to the magistrate.

Koomashdars to communicate to each other, information on subjects connected with the peace of their respective districts.

XXXIII. Koomashdars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Police officers to pursue offenders into any district or zillah.

XXXIV. First.—Koomashdars and the officers acting under them shall have authority to pursue offenders into whatever district or zillah they may fly, and to require the officers of police in such district or zillah, and if necessary, the inhabitants in general, to assist them in securing the offenders; and such police officers and inhabitants shall immediately afford the required assistance. Koomashdars and other police officers apprehending persons within a different zillah from that to which they belong, on a warrant from a magistrate, or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the magistrate of the zillah in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the magistrate of another zillah, and the magistrate of the zillah in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix his signature to such warrant, which shall be a sufficient authority for the police officers to convey the offenders from the zillah in which they may be apprehended, to the magistrate in whose jurisdiction the offence may have been committed; but if the persons apprehended and brought before such magistrate shall appear not to be those intended by the warrant, he shall forthwith cause them to be released.

Magistrate how to proceed on offenders being brought before him without a warrant.

Second.—If the parties shall be apprehended without a warrant or information given to the police officers, or on hue and cry, the magistrate within whose jurisdiction they may be apprehended, shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them, with a letter, to such magistrate; but if the magistrate shall be satisfied, that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged.

Koomashdars, in all possible cases, to proceed to the spot where a murdered body may be found.

XXXV. The koomashdar in all cases of murder within his district, shall himself, if possible, proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Koomashdars how to proceed on receiving information of stolen property.

XXXVI. Where koomashdars may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with, unless prompt measures be taken to secure it, they shall cause search to be made, and the property, if found, to be secured and forwarded with the offender to the magistrate. If the place of concealment be a dwelling-house, the search shall be made only between sun-rise and sun-set.

When there may be no koomashdar, the magistrate empowered to entrust the same authority to other revenue servants.

No police officer to be established in certain zemindaries without the sanction of Government.

Exception.

XXXVII. In districts where, from the land rent being paid directly to the collector, there may be no koomashdars, the magistrates shall grant to the most respectable native revenue servant employed in the collection of the customs, or other dues of Government, the same police authority as is vested in koomashdars. But in the ancient zemindaries, whose revenues have always been under the exclusive management of the zemindars themselves, the magistrate shall not establish any police officer, except in such places as foudars may have already been established, without the previous sanction of the Governor in Council.

XXXVIII.

XXXVIII. Magistrates are authorized to grant, upon their own responsibility, to zemindars who may be desirous of acting as heads of police, and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective zemindaries only. The magistrate shall prescribe to the zemindars in their commissions, the whole or such part of the duties and authority vested by this Regulation in koomashdars, as they may deem proper.

Magistrates in certain cases to vest zemindars with police authority.

XXXIX. In large towns where it may be found that the police duties cannot be conducted by the head inhabitant, the magistrate shall appoint a person to act as umeen of police, either immediately under his own orders, or under the koomashdars of the district; and either with the police powers vested in heads of villages, or with those vested in koomashdars by this Regulation, as may appear expedient.

Umeens of police to be appointed in large towns.

XL. In towns where, from the resort of Europeans, the employment of a native as umeen of police, may be found insufficient, an assistant magistrate shall be stationed, and shall within his jurisdiction have the same police authority as is granted to the magistrate by this Regulation, or such part of it as may be deemed expedient by the magistrate.

Assistant collectors to be charged with police duties in certain towns.

XLI. No police officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties, however, to prefer complaints of such petty offences to the magistrate, at any time; and if the delay shall be shown to have been unavoidable, the magistrate shall have authority to receive and investigate such complaints.

Limitation of time for the admission by police officers of petty complaints. Such complaints may be received by the magistrate at all times.

XLII. All persons are authorized and directed to secure strangers or suspicious persons, who may be found offering property for sale or in pawn, at a price evidently below its real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them, with the least possible delay, before the police officer of the jurisdiction in which the offence may be committed.

Persons tendering property for sale, or pawn, under suspicious circumstances, to be arrested.

XLIII. *First.*—For extortion, oppression or other abuse of authority, koomashdars, zemindars, umeens of police, heads of villages and all police officers, may be prosecuted by the injured party, either criminally before the magistrate, or for damages in the Zillah Court; provided the charge or complaint shall be preferred within three months from the date of the act complained of.

Police officers liable to prosecution for abuse of authority.

Proviso.

Second.—If the charge shall be preferred to the magistrate, and proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender, by fine not exceeding fifty (50) rupees, or by imprisonment for a term not exceeding one month.

Magistrate empowered to punish police officers for abuse of authority.

XLIV. Persons preferring complaints or charges, under the preceding Section, which shall on investigation prove to be false, frivolous or vexatious, shall be punishable by fine not exceeding fifty (50) rupees, or by imprisonment for a term not exceeding one month, to be adjudged by the Court by which the complaint or charge may have been tried.

Punishment for vexatious prosecution for abuse of authority.

XLV. Koomashdars and other police officers acting under them, shall not take cognizance of cases of adultery or fornication.

Police officers not to take cognizance of cases of fornication and adultery.

XLVI. The magistrates shall be charged with the maintenance of the peace within their respective zillahs; provided, however, they shall have no jurisdiction within the city or town and suburbs, the seat of the Zillah Court, or port or river belonging thereto: and whenever their establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest military station, in the manner prescribed by the Regulations in force.

Magistrates charged with the maintenance of the peace of their district.

Exception.

XLVII. The police establishment which may be transferred to the collectors as magistrates, shall not be considered as distinct from the revenue establishments, but shall be equally employed in police and revenue duties, as occasions may require.

Police peons to be considered revenue servants as well as officers of police.

XLVIII. The magistrates shall require all manufacturers of fire-arms and offensive weapons, to take out licenses from their offices within a certain day, of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without license, shall be liable to be punished by the

Manufacturers of fire arms to take out licenses from the magistrates.

magistrate, by a fine not exceeding fifty rupees. But nothing in this Section shall be construed to prohibit the manufacture of arms, or the inhabitants from keeping them for their defence.

Magistrates to communicate to each other information on subjects connected with the peace of their zillahs.

XLIX. Magistrates shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Magistrate and officers under him, to prevent forcible occupation and seizure of lands or crops.

I. First.—The magistrate, and under his orders the koomashdars and heads of villages, shall have authority to prevent the forcible occupation or seizure of lands or crops.

On riotous assemblages about ploughing lands not in the occupation of any one to determine who shall plough them till the dispute be settled.

Second.—When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands, which may not be in the possession or occupation of any person, the magistrate, and under his orders the koomashdars and heads of villages, shall have authority to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated, while the trial, which the parties may seek, is depending; but in all the cases specified in this Section, the parties shall be at liberty to seek redress from any competent jurisdiction.

The same provisions applicable to the forcible occupation or diversion of water for cultivation.

Third.—The provisions of the two preceding Clauses shall be considered as equally applicable to the forcible occupation or diversion of water for cultivation.

Strays, how to be disposed of.

LI. The strays referred to in Section XI. of this Regulation, of which the owner cannot be found, shall, after the expiration of three months, be sold by public auction, by order of the magistrate; and if, within six months more, no person shall appear to claim the proceeds, the amount thereof, after deducting the expenses incurred, shall be carried to the credit of Government.

Magistrates to determine the rate of hire to be paid by travellers to palankeen bearers, &c.

LII. Magistrates are authorized to determine the rates of hire to be paid, in their respective districts, by travellers to palankeen bearers, coolies and boatmen, and for draught and carriage cattle; and the rates so determined shall be made public by a table authenticated by the signature of the magistrate, copies of which shall be kept by the police officers at the several stations in the district, for reference: provided, however, that the resident inhabitants, in their ordinary transactions, shall not be bound to abide by the rates specified in the table authenticated as aforesaid.

Proviso.

Magistrates may receive complaints of frauds committed in using false weights and measures.

LIII. Magistrates shall have authority to receive complaints regarding frauds committed in using false weights and measures; and in such cases shall proceed as directed in Section XXX, Regulation III, A. D. 1818.

Criminal judges charged with the maintenance of the peace at the sudur station.

LIV. The Criminal Judges shall be charged with the maintenance of the peace in the city or towns and suburbs in which the Zillah Court may be situated, as well as in the port and river which may belong thereto, under the Rules and Regulations already in force for the guidance of magistrates, as well as such parts of this Regulation as may be applicable to them.

Criminal judges and zillah magistrates to communicate to each other information on subjects connected with the peace of their jurisdiction.

LV. Criminal Judges and zillah Magistrates shall reciprocally communicate any information which they may receive of offences, gangs of robbers or suspicious persons having entered or taken refuge within each other's jurisdiction; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Claims on villages on account of stolen property, if denied, are to be sued for in the civil courts.

LVI. In all cases where the custom of the country warrants a claim for the restoration of stolen property, or its value, from a village, into the boundaries of which the footsteps of thieves may have been traced through the means of pugees, or in any other case, the claimants, in case of restitution being denied by the village, shall be at liberty to institute their suit for the recovery of the amount in the Civil Courts of Judicature.

Koomashdars, &c to receive ten per cent. on all stolen property recovered through their means.

LVII. Koomashdars and umeens of police shall, in addition to their salaries, be entitled to receive from the owners, ten per cent. on the value of all stolen property recovered through their exertions.

LVIII. No

LVIII. No order shall be issued to any police officer, excepting by the magistrate of the zillah, or his assistants.

No order to be issued to any police officer except by the magistrate or his assistants.

LIX. The Magistrates and Criminal Judges shall correspond direct with Government in matters of police, whenever they may deem it necessary.

Magistrates and criminal judges to correspond direct with Government, when necessary.

A. D. 1818. REGULATION V.

A REGULATION for receiving and transmitting Appeals from the Courts of Sudder Adawlut to His Most Excellent Majesty and His Most honourable Privy Council:—Passed by the Right honourable the Governor in Council, on the 2d September 1818; corresponding with the 2d Bhadrupad Sood Sumbut or Vikramajet era 1874; Salbahan 1740; and the 30th Shaval 1233 Hijerec.

WHEREAS in the year of our Lord 1812, Regulation IV. was passed by the Right honourable the Governor in Council, intituled, “A Regulation respecting appeals from the Court of Sudder Adawlut to His Most Excellent Majesty and His Most honourable Privy Council :” and whereas in the year 1813, Regulation II, was passed, whereby the said Regulation IV, 1812, and Sections XXXI, XXXII, XXXIII, XXXIV, XXXV, and XXXVI, of Regulation VII, 1812, were im- providently rescinded : and whereas it is necessary to establish Rules for regulating appeals from the Court of Sudder Adawlut of Bombay to His Majesty in Council, the following Rules are hereby established.

Preamble.

II. All persons desirous of appealing from a judgment of the Court of Sudder Adawlut to the King in Council, are required to present their petition of appeal to that Court within six calendar months from the date on which the judgment appealed against may have been passed ; under which provision the Court of Sudder Adawlut are to admit the appeal, and proceed upon it as directed in the following Section of this Regulation, under the several restrictions therein prescribed.

Petitions of appeals against decision of the Sudder Adawlut to the King in Council to be presented within six months from the date of the judgment appealed against.

III. In all cases wherein the Sudder Adawlut may admit an appeal to the King in Council, they are to cause two exact copies to be made of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents (translated into English, if the original documents be in any of the country languages), and are to transmit the same, as soon as prepared, under their official seal and the signature of their register, to the Governor in Council, for the purpose of being forwarded by the first secure and separate conveyances to His Majesty in Council. The Register to the Sudder Adawlut shall also, on the ap- plication of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed in the case appealed ; provided they respectively agree to defray such expense as may be incurred thereby, but not otherwise ; and the Register is not to deliver such copies when prepared without the previous payment of such expense ; the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on that account will be made in the first instance.

The Sudder Adawlut on admitting appeals to cause two complete copies to be prepared of all the proceedings in the case for trans- mission to the King in council through Government.

The register to fur- nish the parties with copies of the pro- ceedings applied for, on their paying the expense incurred thereby.

IV. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor in Council ; or in case any such Regulation shall have been referred to in the judgments passed by any of the Courts, wherein the cause appealed from may have been tried and decided ; a copy of such Regulation or Regulations, or an extract therefrom, containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding Section, whether for delivery to the parties, or for transmission to His Majesty in Council.

Copies or extracts of local Regulations referred to in the case to be annexed to the copies of the pro- ceedings.

V. In cases of appeal to His Majesty in Council, the Court of Sudder Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favour the same may be passed, for the due performance of such order or decree as His Majesty, his heirs or successors, shall think fit to make on the appeal ; or suspend the execution of their judgment during the appeal, taking the like security in the latter case from the party left in

The Sudder Adawlut may order their de- cree to be executed, taking security from the party in whose favour it is passed to abide by the appeal Or suspend execution during the appeal

taking security from the party in possession of the contested property.

Appellants to give security for costs.

The Sudder Adawlut to admit the appeal on receiving the prescribed securities.

possession of the property adjudged against him; but in all cases security is to be given by appellants, to the satisfaction of the Sudder Adawlut, for the payment of all such costs as the said Court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as His Majesty, his heirs or successors, may think fit to give thereupon; and after receiving such security, the Court of Sudder Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, the other to defend the cause in appeal before His Majesty in Privy Council, according to the established mode of proceeding in similar cases.

Nothing in this Regulation to bar the exercise of His Majesty's pleasure in rejecting or admitting such appeals as he may think proper.

VI. Provided always, that nothing in this Regulation is to be understood to bar the full and unqualified exercise of His Majesty's pleasure upon all appeals to him from the decisions of the Sudder Adawlut, either in rejecting any he may consider inadmissible, or in receiving any he may judge admissible, notwithstanding the provisions made in the Regulation which has reference to the local jurisdiction only, and particularly to that of the Sudder Adawlut, as a necessary rule for their guidance, subject in the whole of its provisions to the ultimate determination of His Majesty in Council.

A. D. 1818. REGULATION VI.

A REGULATION for carrying on the Trade between the British Possessions in India and the Countries and States in amity with His Majesty:—Passed by the Court of Directors of the United Company of Merchants of England trading to the East Indies, this 31st day of December 1817.

Preamble.

WHEREAS by an Act passed in the 37th year of the reign of His present Majesty, intituled, "An Act for regulating the trade to be carried on with the British possessions in India by the ships of nations in amity with His Majesty," it was enacted, that from and after the passing of that Act, and during the continuance of the exclusive trade of the United Company of Merchants of England trading to the East Indies, and during the term for which the possessions of the British territories in India is secured to the said United Company, it should be lawful for the ships and vessels of countries and states in amity with His Majesty, to import into and export from the British possessions in India, such goods and commodities as they should be permitted to import into and export from the said possessions by the Directors of the said Company; who were thereby directed to frame such Regulations for carrying on the trade to and from the said possessions, and the countries and states in amity with His Majesty, as should seem to them most conducive to the interest and prosperity of the said British possessions in India, and of the British empire; and that no ship or vessel belonging to any of the subjects of states or countries in amity with His Majesty, should be liable to seizure, confiscation, or forfeiture or other penalty, for exporting from or importing into the said British possessions in India, any goods or commodities, the importation or exportation of which should respectively be permitted by the said Regulations, any thing in a certain Act of the twelfth year of the reign of King Charles the Second, therein recited, to the contrary notwithstanding: provided always, that it should not be lawful for the Directors of the said United Company to frame any Regulations for the conduct of the said trade, which should be inconsistent with any treaty or treaties which should have been or might be entered into by His Majesty, his heirs and successors, and any country or state at amity with His Majesty, or which might be inconsistent with any Act or Acts of Parliament which had been passed for the regulation of the trade and commerce of the said British territories in India: and whereas by another Act, passed in the 53d year of the reign of His present Majesty, intituled, "An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's charter," all the enactments, provisions, matters and things contained in any act or Acts whatsoever which was limited, or might be construed to be limited, to continue for and during the term granted to the said Company by a certain Act of the Parliament of Great Britain of the 33d year of His present Majesty therein recited, so far

as the same, or any of them, were in force and not repealed by or repugnant to the said Act of the 53d year of His said present Majesty, should continue and be in force during the further term thereby granted to the said Company; subject to such alterations therein as might be made by any of the enactments, provisions, matters and things in that Act contained—

The Court of Directors of the United Company of Merchants of England trading to the East Indies, in virtue of the powers granted to them by the aforesaid Acts, have framed the following Regulation for carrying on the trade to and from the British possessions in India, and the countries and states in amity with His Majesty.

II. Foreign European ships, belonging to any nation having a settlement of its own in the East Indies, and being in amity with His Majesty, may freely enter the British seaports and harbours in that country, whether they come directly from their own country or from any of the ports and places in the East Indies; they shall be hospitably received, and shall have liberty of trade there in imports and exports conformably to the Regulations established in such places: provided, that it shall not be lawful for the said ships, in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military or naval stores, saltpetre or grain. The said ships may also be cleared out for any port or place in the East Indies; but if cleared out for Europe, shall be cleared out direct for the country in Europe to which such ships respectively belong.

Rules under which ships belonging to foreign European nations having a settlement of their own in India, and being in amity with His Majesty, are allowed to trade with the British ports in India.

III. *First.*—Foreign European ships belonging to countries having no establishment in the East Indies, may (when those countries and states respectively are in amity with His Majesty) freely enter the ports of the principal British settlements in the East Indies, viz. Calcutta, Madras, Bombay and Prince of Wales Island, only. They shall be hospitably received there, and have free liberty to trade in imports and exports, conformably to the Regulations of the place: provided, that it shall not be lawful for the said ships, in time of war between the British Government and any state or power whatever, to export from the said British territories, without the special permission of the British Government, any military or naval stores, saltpetre or grain: and provided also, that the said ships proceed from their own ports direct to the said principal British settlements, without touching at any port or place whatever in the voyage out, except from necessity, and merely to procure refreshments or repairs, in case of distress or accidents in the course of such voyage; the burthen of the proof of which necessity to rest on the parties.

Also in respect to ships of foreign European nations having no establishment in the East Indies.

Second.—The vessels of the said European powers last aforesaid, shall not carry any of the articles exported by them from the said British territories, to any port or place except to some port or place in their own countries respectively, where the same shall be unladen. The said ships shall not be cleared out to carry on the coasting or country trade in India; but vessels going with their original cargoes, or part thereof, from one principal British port of discharge to another principal British port, are not to be considered as carrying on the coasting trade.

Third.—The said vessels shall not be allowed to proceed, either with or without return cargo, from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Asiatic potentate or power, except from the like necessity as is before described, of which the proof shall rest with them. Nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal, for any other purpose than that of proceeding to the port of Calcutta, for trade, refreshment or repairs.

Fourth.—In clearing out for their respective countries, the clearance shall be a direct one to the country to which the vessel belongs, and to no other whatever.

IV. The trade between the British possessions in India and the United States of America shall be regulated by the convention of commerce between Great Britain and the United States of America, signed at London the 3d July 1815.

The trade between the British possessions and the United States of America to be regulated by the convention of commerce dated the 3d July 1815.

regulated by the convention of commerce dated the 3d July 1815.

A.D. 1818. REGULATION VII.

A REGULATION for increasing the Tax called Market Fees, levied on Shops and Stalls within the town and island of Bombay, beating the Battakee, and using or employing country Musick within the same;—and for levying a Tax on the erection of wedding Sheds, or other places of temporary Amusement, in any of the Streets or Roads of the said Town and Island:—Made with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, with the approbation of the Board of Commissioners for the Affairs of India, and passed by the Governor in Council on the 16th of September 1818; corresponding with the 2d Bhadrupud Sood Sumbut or Vekramajet era 1874, Salbahan 1740; and 14th Zilkaad 1233 Hijeree.

Preamble.

WHEREAS it has been found necessary for the support of the funds for defraying the expenses of the police establishment for the town and island of Bombay, and for the improvement of roads, drains, markets and other public works of the said town and island, to revise and augment the tax commonly called market fees on shops, stalls, the battakee and country music; and to levy a tax on the erection of wedding sheds, or other places of temporary amusement, on any of the streets or roads of the said town or island: the following Regulation has been passed accordingly by the Right honourable the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and approbation of the Board of Commissioners for the affairs of India.

The collector of Bombay to make and collect a quarterly assessment on all shops and stalls within the island, according to specified rates.

The magistrates of police to grant licenses for the erection of wedding sheds or other places of temporary amusement.

The ground so occupied to be measured by the engineer officer attached to the court of petty sessions, who is to furnish a certificate of measurement to the party licensed and to the collector.

Rates of assessment to be levied by the collector.

Persons inclosing any part of the public streets without a license, liable to a penalty.

Persons exceeding the limits marked out by the engineer officer, to be surcharged for the same.

The police magistrates to grant licenses for country music.

II. The collector of Bombay shall make a quarterly assessment on each and every shop and stall within the town and island of Bombay, and shall collect the same quarterly, at the rates enumerated in Schedules A. and B. annexed to this Regulation.

III. All persons desirous of erecting wedding sheds or other places of temporary amusement, in the public streets or roads, shall apply for license to erect the same, to either of the magistrates of police, who are hereby authorized and required to grant such license, unless they see good cause for refusing the same, and to direct the engineer officer attached to the Court of Petty Sessions to measure off and mark out the space of ground required, or so much of the same as they, or either of them, may think proper; and on the said space of ground being so marked out and measured, the said engineer officer is hereby required to deliver a certificate of the space so marked out and measured, to the party obtaining the said license, and a duplicate of the same to the collector of Bombay. And the said collector is hereby authorized and required to make an assessment upon each and every person inclosing such space so marked out as aforesaid, at the rate of five rupees a night for every space not exceeding ten square yards so taken in and inclosed; and for every such space exceeding ten square yards, at the rate of one rupee a night for every square yard so inclosed.

IV. Any person presuming to inclose any part of the public streets or roads, for the purpose of erecting a wedding shed or other place of temporary amusement, without having previously obtained such license as aforesaid from one of the magistrates of police, and such certificate as aforesaid from the said engineer officer, shall be liable to the penalty of five rupees a night for every square yard so inclosed; and any person taking in or inclosing a greater space of ground than what was marked out and measured off by the said engineer officer, and included in such certificate as aforesaid, shall be surcharged for the same at the rate of five rupees a night for every square yard so inclosed which shall not have been so marked out and measured and included in such certificate.

V. All persons desirous to use or employ country music in the celebration of any wedding, or other ceremony or entertainment, shall apply for a license in writing to use or employ the same, to either of the magistrates of police, who are hereby authorized and required to grant such license, unless they see good reason for refusing the same: such license to contain the number of days for which it may be granted. And all persons

persons using or employing such music, shall be assessed at the rate of one rupee a day for the same; and any person using or employing such music without a license, or for any period exceeding the number of days for which such license may be granted, shall be liable to a fine of five rupees a day for every day that such music shall be used or employed without a license.

Nature of this license and rate of assessment
Persons employing country music without a license, liable to a fine.

VI. All persons desirous of giving public notice by beat of battakee of the sale of any house, building, land or other immoveable property, or of the sale of any goods or chattels, or of publicly offering a reward, or giving any other kind of lawful public notice by the same, shall apply to either of the magistrates of police to authorize the publishing such notice by beat of battakee; and on obtaining such permission shall pay to the collector the following fees for every such notice respectively, previously to the same being so given.

All notices by beat of battakee to be previously sanctioned by the magistrates.

	rs.	qr.	rs.	
For giving public notice, by beat of battakee, of the sale of any house, land or other tenement, at the rate of - - -	2.	2.	0.	For each Notice.
For ditto, ditto, of any goods or chattels, ditto - - -	1.	0.	0.	
For ditto, ditto, of any reward that may be legally offered, or for any other public notice, ditto - - -	0.	1.	0.	

Rates of fees to be levied on each notice.

VII. In case of nonpayment of any of the aforesaid assessments, fees, surcharges, fines or penalties, within eight days after the demand of the same, the collector of the revenues of Bombay is hereby authorized and required to levy the same, by warrant under his hand and seal, by distress and sale of the offender's goods and chattels; and the overplus of the money raised, after deducting the penalty and expenses of distress and sale, shall be rendered to the owner.

The fees, surcharges or penalties to be levied by a warrant of distress in case of non-payment within eight days after the demand.

VIII. Any person who shall feel himself aggrieved by any assessment, surcharge, fine or penalty, demanded by the collector in pursuance of this Regulation, is at liberty to appeal to the Court of Petty Sessions within eight days after such demand; and the said Court are hereby authorized and required to affirm or reduce such assessment, surcharge, fine or penalty, according as they may think just and equitable; and if no such appeal be made within eight days after the said demand, the collector is hereby authorized and required to levy the same by distress as aforesaid.

Persons aggrieved by any assessment, surcharge or fine, to appeal to the court of petty sessions.

Power vested in the court.

IX. And it is hereby further ordained, that the whole of the said fees so to be levied and paid as hereinbefore provided, shall be, in the first instance, applied to the maintenance of the police and of the public markets; and secondly, in the draining and improvement of the island of Bombay, under the inspection and subject to the control of the Court of Petty Sessions as aforesaid: provided always, that the said Court shall not be empowered to sanction the expenditure of any sum or sums of money under this Regulation, beyond the established charges for the levy of the same, without the previous sanction of the Governor in Council.

Purposes to which the fees are to be applied.

X. This Regulation is to have effect from the 1st of November 1818.

Date from which the Regulation is to have effect.

SCHEDULE A,

Of the Rates at which Shops and Stalls within the Bombay division of the Town and Island of Bombay, shall be assessed according to Regulation.

Description of Shops or Stalls.	Rates to be paid per quarter.			Description of Shops or Stalls.	Rates to be paid per quarter.		
	rs.	qr.	rs.		rs.	qr.	rs.
Attaris or perfumers - - -	1	2	00	Chowkesey, or repairers of jewels	1	1	00
Aullers - - -	1	20		Chunam seller - - -	1	0	00
Bakers - - -	3	80		China-ware shopkeepers	1	2	00
Bangle sellers - - -	1	2	00	Cooley - - -	0	46	
Bhutians, or country eating houses - - -	3	00		Cloth shop - - -	1	0	00
Billet wood sellers - - -	1	20		Dyers - - -	1	0	00
Brick-makers - - -	3	00		Earthen-pot-makers - - -	0	48	
Carpenters - - -	3	00		Europe shop (including the shops of Natives, wholesale purchasers of European investments)	5	0	00
Cattle butcher, (slaughterers)	1	2	00	Forell sellers - - -	1	20	
Cattle butcher, (sellers)	1	0	00	Fuddia, or grain retailers	1	0	00
Coppersmith - - -	1	0	00				
Cotton seller - - -	1	20					

(continued.)

Description of Shops or Stalls.	Rates to be paid per quarter.			Description of Shops or Stalls.	Rates to be paid per quarter.		
	rs.	qr.	rs.		rs.	qr.	rs.
Goat butcher - - -	-	3	84	Rice seller - - -	-	0	96
Goldsmith - - -	-	2	0 00	Ruffooger, or repairers of	-	-	-
Ironsmith - - -	-	1	20	shawls, &c. - - -	-	1	20
Leather merchant - -	-	1	20	Seed shop - - -	-	1	1 00
Liquor seller - - -	-	0	96	Sweatmeat makers - -	-	1	0 00
Mat maker - - -	-	1	20	Shoemaker - - -	-	1	20
Milk seller - - -	-	0	60	Straw sellers - - -	-	1	2 00
Mutton butcher - -	-	3	84	Tailors - - -	-	1	0 00
Oil maker - - -	-	1	0 00	Toddy seller - - -	-	0	60
Pearl and coral seller -	-	2	0 00	Turners - - -	-	1	0 00
Pice shopkeeper - -	-	6	0 00	Wooden warehouse, 1st class	-	1	2 00
Polisher - - -	-	1	20	Wooden warehouse, 2d class	-	3	00
Rattaner - - -	-	1	20				

SCHEDULE B,

Of the Rates at which Shops and Stalls within the Mahim division of the Town and Island of Bombay, shall be assessed according to Regulation.

Description of Shops or Stalls.	Rates to be paid per quarter.			Description of Shops or Stalls.	Rates to be paid per quarter.		
	rs.	qr.	rs.		rs.	qr.	rs.
Aullers - - -	-	1	16	Mat makers - - -	-	0	52
Bangle seller - - -	-	1	0 00	Milk seller - - -	-	0	84
Billet-wood warehouse -	-	3	00	Painters - - -	-	1	16
Bhundarys - - -	-	0	84	Parah chopping - - -	-	0	60
Choochia or hhussary -	-	0	84	Pot makers - - -	-	0	52
Chunani kilns - - -	-	1	2 00	Seed shops - - -	-	1	1 00
Cloth seller - - -	-	1	0 00	Shoemaker - - -	-	1	20
Coppersmith - - -	-	1	0 00	Shroff pice seller - -	-	1	3 50
Fish sellers - - -	-	0	60	Sweatmeat sellers - -	-	1	0 00
Goldsmith - - -	-	2	0 00	Tailor - - -	-	1	20
Hoondia, or teria - -	-	1	0 00	Wood sellers (in bundles)	-	1	20
Ironsmith - - -	-	1	20				

A. D. 1818. REGULATION VIII.

A REGULATION for the confinement of State Prisoners:—Passed by the Right honourable the Governor in Council on the 7th October 1818: corresponding with the 8th Asvin Sood Sumbut or Vekramajet era 1874; Salbahan 1740; and 6th of Zilhuj 1233 Hijree.

Preamble.

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals, against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper: and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken, should proceed immediately from the authority of the Governor in Council: and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the ground of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor in Council, all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed: and whereas the ends of justice also require, that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family: and whereas the reasons above declared sometimes render

render it necessary that the estates and lands of zemindars, talookdars and others situated within the territories dependant on the Presidency of Bombay, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding: and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals, whose estates may be so attached under the direct authority of Government—the Right honourable the Governor in Council has enacted the following Rules, which are to take effect throughout the provinces immediately subject to the Presidency of Bombay, from the date on which they may be promulgated.

II. *First*.—When the reasons stated in the preamble of this Regulation may seem to the Governor in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Mode of proceeding for placing individuals under restraint as state prisoners.

Second.—The warrant of commitment shall be in the following Form :

Form of warrant to be issued

To the [*here insert the officer's designation.*]

WHEREAS the Governor in Council, for good and sufficient reasons, has seen fit to determine that [*here insert the state prisoner's name*] shall be placed under personal restraint at [*here insert the name of the place*], you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council, and the provisions of Regulation VIII, 1818.

By Order of the Governor in Council,

Bombay Castle,
the

A. B.
Chief Sec. to Govt.

Third.—The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, jail or other place within the territories subject to the Presidency of Bombay.

Such warrant to be sufficient authority for the detention of any state prisoner.

III. Every officer in whose custody any state prisoner may be placed, shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Secretary to Government in the Political department, on the conduct, the health and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force or shall be modified.

Officer in whose custody state prisoners may be placed, to submit to Government periodical reports.

IV. *First*.—When any state prisoner is in the custody of a zillah or city magistrate, the Judges of Circuit are to visit such state prisoner, on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the state prisoner, which may appear to them advisable; provided they be not inconsistent with the orders of the Governor in Council issued on that head.

State prisoners in the custody of the zillah or city magistrate to be visited by the judge of circuit at the sessions.

Second.—When any state prisoner is placed in the custody of any public officer not being a zillah or city magistrate, the Governor in Council will instruct either the zillah or city magistrate, or the Judge of Circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

State prisoners in custody of a public officer not being a zillah or city magistrate, to be visited by such person as may be nominated by Government for the duty.

V. The officer in whose custody any state prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

Representations which may be made by state prisoners to be submitted to Government.

VI. Every officer in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council, whether the degree of confinement, to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Early report to be made to Government regarding the nature of the confinement, the health and the allowances granted to state prisoners

VII. Every officer in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner is duly appropriated to that object.

The allowance fixed for the support of a state prisoner to be duly appropriated to that object.

The provisions contained in Sections III. to VII. of the present Regulation, applicable to all persons who are now confined as state prisoners.

Rules for the attachment of estates or lands by the orders of Government without a previous decision of a court of justice.

Lands or estates so attached to be placed under the management of the officers of Government in the revenue department.

And not liable to be sold on account of decrees of the civil courts or otherwise, while under attachment.

The Government will make such arrangement as may be proper for the satisfaction of the decrees of the civil courts in such instances.

Rules to be observed in cases where Government may order the release of an estate from attachment.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the territories subject to the Presidency of Bombay.

IX. Whenever the Governor in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate of the district in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Adawlut and Superior Tribunal.

X. *First.*—The lands or estates which may be temporarily attached, shall be held under the management of the officers of Government in the Revenue department, and the collections shall be made and adjusted on the same principles as those of other estates held under kias management.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Third.—In the cases mentioned in the preceding Clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

XI. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

RULE, ORDINANCE AND REGULATION I. 1818.

A RULE, Ordinance and Regulation to repeal Rule, Ordinance and Regulation II, 1815, and to make more effectual provisions for widening the Wheels of Carts, Hackeries and other Native Conveyances: Passed in Council on the 18th day of February 1818; and duly published and registered in the Court of Recorder of Bombay on the 12th day of July 1819.

Preamble.

WHEREAS the public roads and streets of the town and island of Bombay are, and have been, much prejudiced by the narrowness of the wheels of carts, hackeries and other native conveyances: and whereas the provisions of the Rule, Ordinance and Regulation II, of 1815, have not been found efficient to remove the evils, in remedy whereof it was enacted, for remedy thereof be it ordained, by the authority of the Governor in Council now assembled, that from and after the 1st day of April 1818, the sole or bottom of the fellies of the wheels of all labour carts or vehicles, and of all pleasure hackeries or other native conveyances, by whatsoever name or names the same now are or shall be called, not having springs, shall be of a breadth not less than three inches, running on a plane surface.

Width of the fellies of the hackeries and carts, not on springs, defined.

Ditto on springs.

II. And be it further ordained, that all labour carts or vehicles, pleasure hackeries and other native conveyances not used for labour, and having springs, shall have the sole or bottom of the fellies of the wheels of two inches at least in breadth, running on a plane surface.

To be numbered and to fix the No. on the cart.

III. And for the better discovery of offenders against this Rule, Ordinance and Regulation, it is hereby ordained, that all and every owner or owners of any cart, hackery

ry or other native conveyance, are and is hereby required to apply to the for the time being, for the number of their or his cart, hackery or native yance; and thereupon the said assessor shall and he is hereby authorized and red, upon payment of one quarter of a rupee for each number, and as often as ame shall be applied for, to grant such number thereof, and to make or affix the e upon some conspicuous part of such cart, hackery or native conveyance accord-

Fee for each number.

And it is hereby ordained, that from and after the first day of April 1818, rson or persons shall presume to drive or otherwise use any cart, hackery or native conveyance, with wheels of a less breadth than those hereinbefore ecified, or without being numbered as hereinbefore directed, upon pain of being ned for every such offence a sum not exceeding rupees fifty, at the discretion of the Petty Sessions, one moiety of which shall be given to the informer, and the other moiety shall be applied to the repair and preservation of the public roads; and no person convicted, and fined as aforesaid, shall be liable to be fined a second time for any other similar offence committed in breach of this Clause previous to his conviction as aforesaid.

V. And be it further ordained; that the offences against this Rule, Ordinance and Regulation, or any thing therein contained, shall be heard and determined in a summary way by the Court of Petty Sessions, upon the oath of one or more credible witness or witnesses, or on view of a magistrate, the party accused being summoned to make defence, or upon confession of the party offended.

Offences cognizable by the petty sessions.

VI. And for the more certain and easy apprehension of offenders against this Rule, Ordinance and Regulation, be it ordained, that it shall and may be lawful for any magistrate or police officer to seize, apprehend and forthwith carry before a magistrate the driver of any cart, hackery or other native conveyance, found offending against this Regulation, together with such cart, hackery or other vehicle itself, in order that security may be taken for the due appearance of the party so offending in the next Petty Sessions. It being also hereby declared lawful for the magistrate, before whom such cart shall be brought, to cause the same to be detained until the meeting of the Petty Sessions next ensuing.

The offenders liable to be apprehended by the magistrates, and carts detained till decided by the petty sessions.

VII. And be it further ordained, that all penalties and forfeitures by this Rule, Ordinance and Regulation imposed, shall be levied by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same, by warrant or authority of the Court of Petty Sessions.

Penalties and forfeitures how to be levied.

VIII. And be it further ordained, that this Rule, Ordinance and Regulation shall commence and take effect upon the first day of April 1818, and that the number for each and every cart, hackery and other native conveyance so required to be registered as aforesaid, shall be renewed at the expiration of each and every successive twelve calendar months, reckoning from the said first day of April 1818.

Date from which the Regulation to have effect,

Registers of hackeries and carts to be renewed yearly.

IX. And be it further ordained, that from and after the due registry and publication of this Rule, Ordinance and Regulation, the aforesaid Rule, Ordinance and Regulation II, of 1815, shall be deemed and held, and is hereby declared to be repealed.

Rule, Ordinance and Regulation II, 1815, to be repealed after this is published.

P A P E R S
RELATING TO
EAST INDIA AFFAIRS:
VIZ.
REGULATIONS
PASSED BY THE GOVERNMENTS
OF
BENGAL, FORT ST. GEORGE, AND BOMBAY,
IN THE YEAR
1819.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

Ordered, by The House of Commons, to be Printed,
6 March 1821.

PAPERS RELATING TO

REGULATIONS Passed by the Governments of India in the Year 1819:—
Presented to the Honourable the House of Commons, in pursuance of an Act
of Parliament, 53 Geo. III. c. 155, sec. 66;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1819;

N° I. to XI.

Regulation.

I.—For replacing the districts of Dinagepore and Rungpore, under the management of the Board of Revenue; for extending the authority of the Board of Commissioners in Behar and Benares, to the district of Goruckpore; for re-establishing Canoongoes and reforming the office of Putwarry throughout the province of Bengal; and for explaining and modifying certain parts of Regulation XII, 1817:— - - - Passed on the 5th February 1819 - - p. 5

II.—For modifying the provisions contained in the existing Regulations, regarding the Resumption of the Revenue of Lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of Estates for which a settlement has been made:—

Passed on the 12th of February 1819 - - p. 7

III.—For extending the provisions of Section X, Regulation VIII, 1818, to Robbers not being Dakyts or Gang Robbers:— - - - Passed on the 16th April 1819 - - p. 16

IV.—For the appointment of a Board for the superintendence of the Revenue derived from customs, town duties, salt and opium:— - Passed on the 22d April 1819 - - p. 17

V.—For modifying certain parts of the rules in force, in regard to the conduct of the business of the Mints subordinate to this Presidency:—Passed on the 25th June 1819 - - p. 18

VI.—For rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof:—
Passed on the 25th June 1819 - - p. 19

VII.—For declaring certain misdemeanors punishable by the Magistrates; and for defining the punishment to be adjudged in such cases:— - Passed on the 9th July 1819 - - p. 22

VIII.—To declare the validity of certain tenures, and to define the relative rights of Zemindars and Putnee Talookdars, also to establish a process for the sale of such Talooks in satisfaction of the Zemindars' demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal:—

Passed on the 3d September 1819 - - p. 24

IX.—For amending the existing Rules, with regard to the admission of special Appeals; for requiring in certain cases, from Residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the provincial Courts, in certain cases:—Passed on the 29th October 1819 - - p. 34

X.—For reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture, adulteration, importation, transportation and sale of Salt:—

Passed on the 7th December 1819 - - p. 36

XI.—For discontinuing the coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal currency of the province of Benares; for altering the standard of the Furruckabad Rupee, and for defining the rate at which that Rupee is to be received within the province of Benares:— - - - Passed on the 31st December 1819 - - p. 64

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1819 ;

N° I. to VIII.

Regulation.

I.—For rescinding Section IX, Regulation XXVI, 1802, and vesting in the Board of Revenue a discretionary power to fix in perpetuity the amount of the public Assessment upon subdivisions of Estates, liable to a proportion of the permanent Land Tax, less than the sum of five hundred star pagodas per annum ; for rendering the permanent alienation, transfer or sale of subdivisions thus assessed, valid in the Courts of Adawlut ; and for preventing fraud, corruption or error, in the distribution of the public Assessment upon landed Property in general :—

Passed on the 19th January 1819 - - p. 68

II.—For the confinement of State Prisoners :—

Passed on the 4th March 1819 - - p. 69

III.—To provide more effectually for the punishment of extortion, oppression or other abuse of authority on the part of the Native Officers of Police :—

Passed on the 9th March 1819 - - p. 71

IV.—For determining the rate of Duty on Goods exported or imported by Sea, to or from any of the foreign European Settlements adjoining the Territories subject to the Presidency of Fort St. George :—

Passed on the 10th April 1819 - - p. 72

V.—For rescinding such parts of Regulations IX, X, XI, of 1816, as disqualify servants of the Government from attesting Confessions :—

Passed on the 23d April 1819 - - ibid.

VI.—For rescinding Sections II, and III, of Regulation IV, of 1812, and Regulation I, of 1817, and for giving due publicity to a certain Regulation enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, relative to the Trade of Foreign nations with the British Possessions in India :—

Passed on the 15th May 1819 - - p. 73

VII.—For modifying and explaining certain parts of Regulation II, 1816, and of other Regulations now in force for the collection of Customs :—

Passed on the 10th July 1819 - - p. 76

VIII.—For rescinding Regulation IX, of 1802 :—

Passed on the 29th November 1819 - - p. 80

III.—By the Governor in Council of BOMBAY, in the Year 1819 ;

N° I. to X.

Regulation.

I.—For the support of the Police in the Cantonments and Military Bazaars subject to the Presidency of Bombay ; for defining the powers of the Civil and Military Officers in the performance of that duty ; and for fixing the local limits of the said Cantonments and Bazaars :—

Passed on the 25th February 1819 - - p. 81

II.—For amending part of Section IX, Regulation XIV, A. D. 1802, intituled, “ A Regulation for the appointment of Vakeels or Native Pleaders in the Civil Courts :”—

Passed on the 10th March 1819 - - p. 82

III.—For defining the jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject ; for introducing the Laws and Regulations for the administration of Justice and collection of the Revenues into those Territories ; and for modifying such parts of the existing Regulations, as relate to the periodical Gaol Deliveries :—

Passed on the 14th April 1819 - - p. 83

IV.—To amend the existing Rules for receiving complaints in the Zillah Courts, against Collectors of the Land Revenue and Customs, Commercial Residents and other European Public Officers, amenable to those Courts, for acts done in their official capacity in opposition to any published Regulation ; and to make provision for a special inquiry, in certain cases of charge or information, against any such Officers :—

Passed on the 14th July 1819 - - p. 86

Regulation.

V.—To modify and extend the Rules in force which prescribe an Oath of Office to be taken by certain Native Officers; to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the civil and criminal Courts; and for extending the principles of Regulation IV, 1819, to the native servants of every denomination:—

Passed on the 14th July 1819 - - - p. 91

VI.—For rescinding such part of Section XL, Regulation IV, of 1818, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside:— - - - Passed on the 14th July 1819 - - - p. 94

VII.—To amend a part of Section III, Regulation III, 1819, defining the jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject:— - - - Passed on the 4th August 1819 - - - ibid.

VIII.—For modifying some of the existing Rules relative to the requisition of Security for good Behaviour, and for prescribing Rules for the guidance of the Courts of Criminal Judicature, in cases when persons held to bail may not attend, and when Sureties for good behaviour of Individuals have failed in their engagements:—

Passed on the 1st September 1819 - - - ibid.

IX.—For amending and modifying certain provisions of the Regulations in force relating to the administration of Criminal Justice:— - Passed on the 17th November 1819 - - p. 97

X.—For amending Regulation I, 1812, for the trial of persons charged with Crimes against the State:— - - - Passed on the 24th November 1819 - - p. 98

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1819.—No. I. to XI.

A. D. 1819. REGULATION I.

A REGULATION for replacing the districts of Dinagepore and Rungpore, under the management of the Board of Revenue; for extending the authority of the Board of Commissioners in Behar and Benares, to the district of Goruckpore; for re-establishing Canoongoes and reforming the office of Putwarry throughout the province of Bengal; and for explaining and modifying certain parts of Regulation XII, 1817:—Passed by the Governor General in Council, on the 5th February 1819; corresponding with the 24th Maug 1225 Bengal era; the 25th Maug 1226 Fusly; the 25th Maug 1226 Willaity; the 11th Mang 1875 Sumbut; and the 9th Rubee-us-Sance 1234 Higeree.

WHEREAS experience has evinced, that the general superintendence of the revenue affairs of the districts of Dinagepore and Rungpore, cannot so advantageously be exercised by the Board of Commissioners in Behar and Benares, as by the Board of Revenue, and it at the same time appears expedient, with reference to the circumstances and local situation of the district of Goruckpore, to extend to that district the authority of the former Board; and whereas it has likewise been deemed advisable to re-establish the office of canoongoe, throughout the districts of Bengal, and similarly to extend the operation of Regulation XII, 1817, with a view to the general reform of the office of putwarry, the following Rules have been enacted, to be in force from the 1st of March next.

Preamble.

II. Section III, Regulation XXIV, 1817, is hereby rescinded, and the general superintendence of the revenues of the districts of Dinagepore and Rungpore, shall be exercised by the Board of Revenue, in the same manner as before the enactment of that Regulation.

The management of the revenues of the districts of Dinagepore and Rungpore replaced under the board of revenue.

III. The general superintendence of the revenues of the district of Goruckpore shall be vested in the Board of Commissioners in Behar and Benares, in the same manner and with the same powers and authority as it is now exercised by the Board of Commissioners in the ceded and conquered provinces.

The superintendence of the revenues of the district of Goruckpore vested in the board of commissioners in Behar and Benares.

IV. *First*.—Canoongoes shall be appointed throughout the province of Bengal, in the same manner, and for the performance of the same duties, as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspore, and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended generally to the province of Bengal.

Canoongoes to be appointed throughout the province of Bengal, for the performance of the duties prescribed in Regulation V, 1816.

Second.—The provisions of Regulation XII, 1817, are in like manner hereby extended to the several districts of the said province, to which they have not yet been applied.

Regulation XII, 1817, extended to the several districts in the province of Bengal.

Third.—Provided, however, that in cases in which it may not appear advisable, from whatever cause, to leave the selection and nomination of the canoongoes to the collector of the district, it shall be competent to the Governor General in Council,

Selection and nomination of canoongoes in certain cases may be intrusted to other persons than the collectors.

Council, to appoint such other officer, specially to perform that duty, as he may judge expedient, and the officer so appointed shall have and exercise during such period as the Governor General in Council may direct, the same powers as are vested generally in collectors of Land Revenue, under the provisions of Regulation V, 1816, and Regulation XII, 1817. But nothing herein contained shall be construed to preclude the person holding permanently the office of collector in such district, from discharging the ordinary duties of his situation, under the general rules and regulations applicable to that branch of the public service.

Powers reserved to the governor general in council to suspend the operation of the rules regarding canoongoes and putwarries, in special cases.

Fourth.—Provided further, that it shall be competent to the Governor General in Council, to suspend the operation of the rules contained in this or any former Regulation, regarding canoongoes and putwarries, within any mehals in which the establishment of such officers, as prescribed in those rules, may appear to be inexpedient.

The board of revenue declared competent to make such alteration in the duties to be performed by canoongoes, as local circumstances may suggest.

Fifth.—Provided likewise, that it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, to make such alteration in the duties to be performed by canoongoes, as local circumstances shall suggest; any thing in Section VII, Regulation IV, 1808, and other corresponding enactments to the contrary notwithstanding.

And may suspend the operation of Regulation XII, 1817, in certain districts and parts of the country.

Sixth.—Provided also, that it shall be competent to the Board of Revenue to suspend, by proclamation, the operation of the rules of Regulation XII, 1817, in the districts of Chittagong and Sylhet, and in any other parts of the country in which individual estates may generally be of inconsiderable extent, until they shall have determined, under the discretion vested in them, by Sections III, XVIII, and XXXIII, of that Regulation, the number of putwarries to be appointed or retained; the mode in which they are to be remunerated, and the mehals to be permanently exempted from its general operation.

The collector declared competent to assume the direct nomination and appointment of a putwarry, in certain cases.

V. In all cases in which any village or villages, or any lands whatsoever, the accounts of which may be kept by a single putwarry, shall be held by two or more persons under distinct engagements with Government, it shall be competent to the collector, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to assume the direct nomination and appointment of such putwarry, with or without a reference to the proprietors. But in all such cases the collector shall deviate as little as possible from established usage, and shall be careful to consult the inclinations, and maintain the interests, of all persons connected with the mehals in question.

Explanation of Section II, Regulation XII, 1817.

VI. In explanation of Section II, Regulation XII, 1817, it is hereby declared and enacted, that if any proprietor or farmer of land shall refuse or omit to furnish the statement required by Section IV, of that Regulation, within the period therein prescribed, or at any subsequent period, when called upon to do so by the collector, or other officer exercising the powers of collector, it shall be competent to the collector, or other officer aforesaid, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to levy a daily fine upon such proprietor or farmer, until the statement required be furnished, to such amount as may appear proper, with reference to the circumstances of the case, and to the condition in life of the offender.

All persons who may without due authority remove a putwarry from office, or oppose him in the execution of his duties, declared liable to penalties.

VII. The penalties prescribed in Section XIII, Regulation XII, 1817, for the illegal removal of a putwarry from office, by a zemindar, or other proprietor or farmer of land, are hereby declared applicable to all persons whatsoever, who may without due authority remove from office any putwarry duly constituted or appointed; or who may oppose a putwarry so appointed or constituted, in the performance of his duties; or who may prevent his performing them; or who may resist or evade the entry of a putwarry, when duly appointed, into the possession of his office.

A. D. 1819. REGULATION II.

A REGULATION for modifying the provisions contained in the existing Regulations, regarding the resumption of the Revenue of Lands held free of Assessment under illegal or invalid tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of estates, for which a settlement has been made:—Passed by the Governor General in Council, on the 12th February 1819; corresponding with the 2d Phaugoon 1225 Bengal era; the 2d Phaugoon 1226 Fusly; the 3d Phaugoon 1226 Wilaity; the 2d Phaugoon 1875 Sumbut; and the 16th Rubee-us-Sanee 1234 Higeree.

THE rules contained in Regulations XIX, and XXXVII, 1793, relative to the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and the corresponding provisions enacted in subsequent years having been found inadequate to secure the just rights of Government, have from time to time been partially repealed or modified. Those rules, however, are still in force within several of the districts subordinate to this Presidency, and the Regulations by which they have in other districts been superseded, appear to be in several respects defective. It further appears to be necessary, in order to obviate all misapprehension on the part of the public officers, or of individuals, to declare generally the right of Government to assess all lands, which at the period of the decennial settlement were not included within the limit of an estate for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the above period, nor lands held free of assessment under a valid and legal title; and at the same time formally to renounce all claim on the part of Government to additional revenue from lands which were included within the limits of estates, for which a permanent settlement has been concluded, at the period when such settlement was so concluded, whether on the plea of error or fraud, or on any pretext whatever, saving of course mehals expressly excluded from the operation of the settlement. With the view therefore of establishing, on proper principles, one uniform course of proceeding in resuming the revenue of lands liable to assessment, so that the dues of Government may be secured without infringement of the just rights of individuals, the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately subordinate to the Presidency of Fort William.

II. *First*.—Regulation VIII, of 1811; Regulation V, of 1813; and Regulations XI, and XXIII, of 1817, are hereby rescinded. Preamble.

Second.—Sections XII, XIII, XIV, XVI, and XIX, Regulation XIX, 1793; Sections VII, VIII, IX, XI, and XIV, Regulation XXXVII, 1793; Sections XII, XIII, XIV, XVI, XIX, Regulation XLI, 1795; Sections VII, VIII, IX, XI, XIV, Regulation XLII, 1795; Sections VII, VIII, IX, XI, XIV, Regulation XXXI, 1803; Sections VII, VIII, IX, XI, XIV, Regulation XXXVI, 1803, are likewise hereby declared to be rescinded. Certain Regulations rescinded.

III. *First*.—It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any pergunnah, mouza, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX, and XXXVII, 1793, and in the corresponding Regulations subsequently enacted, are and shall be considered liable to assessment in the same manner as other unsettled mehals, and the revenue assessed on all such lands, whether exceeding one hundred beegahs or otherwise, shall belong to Government; provided, however, that nothing in the above rule shall be construed to affect the rights reserved to zemindars, talookdars and other proprietors of estates, with whom a permanent settlement has been concluded, to the exclusive enjoyment of the rent assessed on lands held on an invalid tenure, free of assessment, within the limits of their respective estates and talooks, and of which the extent may not exceed one hundred beegahs if in Bengal, Behar or Orissa, and fifty beegahs if within the province of Benares. Lands not included in the decennial settlement, or for which a distinct settlement may not have been concluded, are liable to assessment, excepting lands held free of assessment under a valid and legal title.

Proviso.

The same principle applicable to churs and alluvion lands.

Second.—The foregoing principles shall be deemed applicable not only to tracts of land, such as are described to have been brought into cultivation in the Sundurbuns, but to all churs and islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period, whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

Also to lands included within talooks of a particular description.

Third.—The same principle shall likewise be deemed applicable to all lands, which, though included at the period of the permanent settlement within the limits of talooks, held by individuals under special pottahs from the collector, such as the putteetabady and jungulboory talooks in the districts of the twenty-four Pergunnahs and Jessore, may not have been permanently assessed at the above-mentioned period; provided, however, that in respect to such lands, if in the possession of the original pottah holder, or his legal representative, the conditions of the pottah in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

Proviso.

Application of certain provisions of existing Regulations to grants for holding lands under mokurrery or certain other tenures.

Proviso.

IV. The several rules prescribed in Regulations XIX, and XXXVII, of 1793; and Regulations XLI, and XLII, of 1795; Regulations XXXI, and XXXVI, of 1803; Regulations VIII, and XII, of 1805, for determining the validity of grants for holding lands exempt from the payment of public revenue, are hereby declared applicable to grants or holding lands under mokurrery or other tenures, limiting the demand of Government; provided, however, that nothing in this Section shall be construed to affect the rules contained in Regulation VIII, 1793, relative to the assessment of lands held under valid grants, or leases, of the above nature, nor to alter the provisions contained in Regulation I, 1815, by which tenures of that description, are declared liable to assessment on the death of the grantee.

Course of proceeding, preparatory to an investigation regarding the liability of such lands to be assessed.

V. *First.*—Whenever a collector of revenue, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official controul are liable to assessment, either as being held under an invalid tenure free of assessment, or at an inadequate jumma, or as being liable to assessment on the principles stated in Section III, of this Regulation, he shall report the circumstances to the Board of Revenue, or other authority exercising the powers of that Board, who, should they be of opinion that proper grounds exist for inquiry, shall direct the collector or other officer aforesaid to enter on an investigation of the case in the manner hereafter mentioned.

Notice to be served on the party;

Second.—The collector on receiving the authority of the Board of Revenue, shall call the party before him by a notice, stating the demand of Government on the lands, and requiring him to attend either in person or by vakeel, within the period of one month, and to produce all sunnuds, or other writings in virtue of which he may possess the lands, or under which they may have been, or may be claimed to be held free of assessment, or at a fixed jumma.

Or to his agent, if any accredited agent reside at the sudder station.

Third.—If the persons whose lands it is proposed to assess, have an accredited agent at the sudder station, with general powers to act for his principal, the notice to be issued under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal, and the agent's acknowledgment to be endorsed upon it shall be accepted as a sufficient service of it, if he be desirous of giving such acknowledgment in preference to the notice being served on the person of his principal by a chupprassy, or peon of the collector.

Notice on the principal to be served through the nazir by a single peon.

Fourth.—If the person, the revenue of whose lands it is proposed to resume, shall not have an accredited agent at the sudder station of the description above-mentioned, or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the collectorship, it shall be served on him through the nazir of the collector by a single chupprassy, or peon, who shall require the acknowledgment of the party to be endorsed upon it, or, if he be absent from his usual place of residence, the acknowledgment of his principal agent, or of any person acting for him during his absence. If the party be resident within the jurisdiction of any other collectorship than that in which the lands proposed to be assessed are situated, the notice shall be transmitted to the collector of the district in which the party may reside, to be served in the manner above directed. If the party be neither resident within the collectorship in which the lands in question may be situated, nor in any other collectorship, the notice shall be served upon his agent or representative in charge of the lands.

Notice how to be served if the party reside in another jurisdiction.

Fifth.

Fifth.—Provided always, that if any party or his agent in charge of his land, on whom a notice may be served in the manner above prescribed, shall refuse to acknowledge the receipt of it when required by the person serving it, the tender of the notice to such party or his agent shall be taken for a sufficient service; such tender to be proved by the evidence of two persons residing on the lands, or in the nearest village.

If an acknowledgment be refused, the tender to be considered as sufficient notice.

Sixth.—The collector shall, in the notice summoning the party, warn him, that if he withhold any writings of the nature specified in the second clause of this Section, within the period prescribed, they will not afterwards be received, unless he shall show good and sufficient cause for not producing them, and shall assign such cause on his appearing before him.

What to be contained in the notice.

VI. First.—If the holder of such lands to whom a notice may have been issued, as directed in the preceding Section, shall abscond, or if not after diligent search to be found, or shall shut himself up in any house or building, or retire to any place, so that the notice cannot be served upon him, the collector or other officer exercising the power of collector, on receiving the nazir's return to this effect, shall issue a proclamation, to be affixed in some conspicuous part of his cutchery. The proclamation shall be written in the Persian and Bengal languages, in the provinces of Bengal and Orissa (including Cuttack); in the Persian language and character, and in the Hindoostanee language and Nagree character, in Behar, Benares, and in the ceded and conquered provinces; and it shall contain a copy of the former notice, and a further notification to the party, that if he shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the proclamation may be fixed up), the collector will proceed without further notice, to hold the inquiry *ex parte*. The collector or other officer exercising the power of collector, shall likewise order a copy of the proclamation and notice to be fixed up, with all practicable dispatch, on the outer door of the house in which the holder of the lands may have usually dwelt, or in some conspicuous place in the chief village within, or in the neighbourhood of the lands proposed to be assessed.

If notice cannot be served a proclamation to be issued.

What is to be contained in the proclamation.

Copy of the proclamation, where to be fixed up.

Second.—The nazir shall return the order with an endorsement, stating at what times and places the proclamation may have been fixed up. The return of the nazir shall be filed with the collector's proceedings in the case. If the party shall not appear at the time limited in the proclamation, or if a party who may have been served with a notice shall not appear within the time therein limited, or if having appeared, he shall refuse to give answer, the collector shall proceed to investigate and decide upon the case in the same manner, as if the party had appeared, answered, and entered into proof.

Nazir's return how to be made.

If the party shall not appear or shall refuse to answer, the case to be investigated.

VII. In cases of land supposed to be liable to assessment under the provisions of Section III, of this Regulation, the collector or other officer exercising the powers of collector, shall institute a full and particular inquiry into the circumstances and condition of the land in question at the period of the decennial settlement; and in cases of alluvion land, into the period of its formation.

What inquiry to be made.

VIII. When an inquiry in regard to land of the nature of that described in the foregoing Section shall have been authorized, it shall be competent to the collector, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands may be alleged to belong.

Collector with the sanction of the Board may cause a survey or measurement to be made.

IX. It shall likewise be competent to the collector, in all cases of inquiry held under the provisions of this Regulation, to summon the putwarry, gomastah, or other person by whom the accounts relating to the lands proposed to be assessed, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section XXII, Regulation XII, of 1817.

Collector may summon putwarries, and require accounts, and examine on oath.

X. It shall be further competent to the collector in such cases, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be proprietor or farmer of the lands proposed to be assessed, or of the estates to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate, within a reasonable period, not being less than one week.

And may require the attendance of the person claiming the land, with his accounts.

Notice to be served on such person.

XI. First.—Whenever the collector or person exercising the powers of collector, shall require the attendance of any proprietor or farmer, or of any putwarry or gomastah or other officer, for the purpose stated in the above Section, he is to serve such proprietor or other person as aforesaid, with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Such notice to be served in conformity with Section III, Regulation XIV, 1793.

Exception.

Second.—Provided further, that the rules contained in Section III, Regulation XIV, 1793, regarding the mode of serving process for the recovery of arrears of revenue, shall be held applicable to processes issued by a collector or other officer exercising the powers of a collector, under the provisions contained in Sections IX, and X, of this Regulation; excepting always so much of the said rules, as prescribes, that the peon serving the summons shall be paid by the party in whose name it is issued.

Penalties on putwarries neglecting to produce accounts, or falsifying them, or giving false evidence regarding them.

XII. If any putwarry, gomastah, or other person by whom the accounts of lands are kept, and who may be summoned by a collector or commissioner, under the provisions contained in Sections IX, and XI, of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner, when summoned and examined as aforesaid, or shall alter, fabricate, falsify or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections XXIII, XXVI, and XXVII, of Regulation XII, 1817, according as the provisions of one or other of those Sections may be applicable to the offence committed by him.

Lands may be attached, if the holders of them neglect to furnish accounts.

XIII. First.—If the holder of any lands, in regard to which the collector shall have been authorized by the Board of Revenue, or other authority exercising the powers of that Board, to institute the inquiry described by Section VII, of this Regulation, shall refuse or neglect to furnish the accounts relating to such lands, within the period specified in the collector's requisition, the Board of Revenue, or other authority exercising the powers of that Board, shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government. In such cases, however, it shall still be the duty of the collector to make a full inquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

In such cases a full inquiry to be made by the collector into the title of the holder.

Accounts not furnished to the revenue authorities, shall not afterwards be received in evidence in courts of justice in suits instituted to contest the decision of those authorities.

Exception.

Second.—Provided further, that if the holder of any lands assessed under the rules of this Regulation, shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents beside such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall show good cause, to the satisfaction of the court, for not having produced the said accounts or documents, and shall prove that he assigned such cause in answer to the collector's requisition, or show good cause for not having done so.

In what cases fines may be imposed for non-attendance of a proprietor or his agent, or for omission to furnish accounts.

Third.—Provided also, that if any proprietor or farmer shall omit, or refuse to attend, or to cause his officer or agent to attend when duly summoned by the collector or commissioner, by the time prescribed in the notice issued by the collector or commissioner, or shall omit or refuse to furnish the accounts or documents required, and to show sufficient cause for such omission, the Board of Revenue or other authority exercising the powers of that Board, are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Penalties for refusal of process issued under this Regulation.

XIV. If any zemindar or other person shall resist or cause to be resisted, the attachment or measurement of lands, which the Board of Revenue or other authority exercising the powers of that Board, shall have authorized the collector or commissioner

sioner to attach or measure, under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a putwarry, gomastah or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section IX, of this Regulation, it shall be competent to the Board of Revenue or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the zemindar or other person so offending, to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed five hundred rupees, the Board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine until they shall receive authority from Government for that purpose.

Proviso.

XV. When the party, whose lands it may be proposed to assess, shall appear in conformity with the notice or summons, and shall deliver up his title deeds, the collector shall give a receipt for them, and after duly examining them, shall deliver to the party a statement of the grounds on which his land may appear liable to assessment, with copies, on plain paper, of all documents on which his opinion may be founded. The collector shall then desire the party to deliver a written answer within seven days.

Duty of collector when parties attend and produce their title deeds.

XVI. It shall be the duty of the collector, or other officer exercising the powers of collector, carefully to number, mark, date and sign all documents produced by a zemindar, or other person in possession of the lands proposed to be assessed, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before him; and the collector shall, before proceeding to judgment, warn the party that no accounts or other documentary evidence of any kind which he shall not produce before him, and for not producing which he may not assign good and sufficient cause, will be received at any future period, either by the revenue or judicial authorities, and shall record his having done so on the face of his proceedings.

The same subject continued.

XVII. On receiving the answer of the party, the collector shall summon any witnesses he may deem necessary to support the claim of Government, with any which the party may desire to have summoned on his behalf, and shall take their depositions in judicial form, and in the presence of the party or his authorized agent.

Witnesses for and against the claim of Government to be examined.

XVIII. The collector shall carefully examine all documents that may be produced by the party, and shall likewise give the party access to inspect all documents on which he may rely, in proof of the liability of the land to assessment.

Documents to be examined and the party to be allowed access to the documents in support of the claim of Government.

XIX. *First.*—The collectors and other officers exercising the powers of collectors, are hereby authorized to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in all cases brought before them under this Regulation, conformably with the provisions of Section VI, Regulation IV, 1793, and Section II, Regulation I, 1803, corresponding with Section VII, Regulation III, 1803, and Clause VI, Section XXV, Regulation VIII, 1803, for the conquered and ceded provinces; provided that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city court, to be confined, as prescribed by the Regulations in similar cases.

Collectors vested with authority to examine witnesses on oath, &c. in judicial form.

Rule with regard to witnesses refusing to take the oath.

Second.—Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a collector or other officer exercising the power of collector, under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury, as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Penalties for perjury and subornation of perjury in the existing Regulations applicable to such witnesses.

Third.—Persons resisting any process issued by the collector, or other officer exercising the power of collector, in any case depending before him under this Regulation,

Penalties for resistance of process.

Regulation, shall, in addition to the penalty prescribed in Section XIV, be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV, 1793, Regulation VI, 1795, and Regulation XXVII, 1803, under the provisions therein specified.

Collector how to proceed on the completion of the inquiry.

XX. Having closed his proceedings, the collector shall record his opinion in a Persian roobakarry, detailing the grounds on which it is founded, and whether the lands appear liable to assessment or otherwise, and shall forward his proceedings to the Board of Revenue, or other authority exercising the powers of that Board, in such mode as may be directed by that authority, furnishing the party at the same time with a copy on plain paper of the final roobakarry aforesaid, and reporting his having done so to the Board, or other authority aforesaid.

Boards how to act on the receipt of the collector's proceedings.

XXI. First.—The Board of Revenue, or other authority aforesaid, after calling for any further evidence which, on a consideration of the collector's proceedings they may deem wanting, shall, on a day to be fixed by a public notice affixed in the office, not being less than six weeks from the date on which the collector may have furnished the party with a copy of his final roobakarry, and after hearing any thing which the party, if in attendance, may wish to urge in his own behalf, proceed to pass judgment in the case, and shall record their opinion in a Persian roobakarry, delivering a copy thereof to the party, on his requisition to that effect.

Final roobakarries what to contain.

Second.—The final roobakarries, which the collectors and the Boards are by the provisions of this Section directed to record, shall contain a distinct statement of the subject matter of the case, the grounds on which the decision may be given, the names of the witnesses whose depositions may have been taken, and the title of every exhibit read.

In what cases the decision of the Boards to be final.

Third.—If the Board of Revenue or other authority aforesaid, pronounce against the assessment, the proceedings shall be considered final, except on proof in a court of judicature of fraud or collusion in the previous inquiry.

If the land be declared liable to assessment, the collector to form the assessment.

Fourth.—In the event of the Board's declaring the lands liable to assessment, the collector shall inform the party or his vakeel of the decision of the Board, and shall proceed to ascertain the limits of the land, and shall fix an assessment on the principles of the general Regulations on such information as may be procurable.

Under what circumstances the party may be left in possession of the land.

XXII. First.—If the party shall within a fortnight of his receiving intimation of the Board's decision, tender to the collector responsible security for the payment, from that date, of the jumma which may eventually be fixed on the land, with interest at the rate of twelve per cent. and shall engage to institute a suit in the court in which the case may be cognizable within ten days, commencing from the date of the deed of security, or (if the court shall be shut, and shall not be opened until after the expiration of such ten days) within three days, calculating from the day on which it may be opened, to try the justness of the demand, the collector shall leave the party in possession as before, reporting the circumstance for the information of the Board; Provided however, that in such cases the party shall produce all his accounts of collections for the information of the collector, in estimating the amount of the security to be required.

Proviso.

Collector how to proceed if the party do not furnish full security.

Second.—If the party be willing to give security for a portion only of the jumma eventually assessable on the land, it shall be competent to him to do so on the conditions above specified. In this case the collector shall, under the orders of the Board, either hold the lands khas or farm them, for such period as the Board may direct, and shall pay to the party a portion of the collections proportionate to the amount for which he may be willing and able to give responsible security.

The court may determine on the sufficiency of the security tendered.

Third.—It shall be competent to the court to direct the collector to take the security offered by the party if he shall refuse to do so, and the court shall be satisfied that it is sufficient; but it shall rest with the collector, subject to the directions of the Board, to fix the amount for which the surety is to be held bound.

Amount of security how to be regulated

Fourth.—The amount shall not, in the first instance, exceed the estimated annual revenue assessable on the lands, or the amount receivable by the party in one year, with interest; but if at the expiration of one year from the date on which the party may receive intimation of the Board's decision, the suit shall still be pending, it shall be competent to the collector to require additional security for the same amount.

Fifth.

XXII.—In mocrurrees the parties giving security, and intending to sue, shall continue to pay the mocrurree jumma, and will be required to give security for the remaining revenue, which may be eventually demandable from them. Ditto with regard to mocrurrees.

XXIII. If the party do not give security, or having given security neglect to sue, the collector shall proceed to the final assessment of the land. In what case the collectors authorized to proceed to a final assessment.

XXIV. First.—Persons whose lands may be assessed, either in failure to give security, or to institute a suit within the prescribed time, shall nevertheless be entitled to sue any time, within one year from the date of their being informed of the Board's decision, but after the above period shall have elapsed, the decision of the Board shall be final and conclusive; provided, however, that in cases in which the party may be able to show good and sufficient cause for not having sued within the said period, such as minority or absence, no limitation as to time shall prevail other than that generally prescribed by the existing Regulations in regard to private claims. Limitation of time for the institution of suits in civil courts.

Proviso.

Second.—Provided also, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may have directed the resumption of lands held free of assessment under the powers vested in them by Regulation VIII, 1811, Regulation V, 1813, and Regulations XI, and XXIII, 1817, if the parties whose lands have been assessed shall be able to show good and sufficient cause for not having instituted a suit to try the merits of the Board's decision, within the period prescribed by those Regulations, they shall in like manner be subject only to such limitation in respect to time, as is prescribed generally in regard to private claims. Further proviso.

XXV. If the net annual produce of the land proposed to be assessed shall, after deducting five per cent. for charges of management, and one-eleventh of the remainder as the allowance for malikana, together with the amount of any revenue for which the party may already be liable (as in the case of lands held under a mocrurree tenure) shall not exceed the sum of rupees five hundred, the suit to be instituted under the provisions of the foregoing Section shall be in the first instance heard and determined in the zillah court within the jurisdiction of which the lands in question may be situated. If the net annual produce calculated as above shall exceed the aforesaid sum of rupees five hundred, the suit shall in the first instance be heard and determined in the provincial court. In what courts suits under this Regulation are to be instituted.

XXVI. First.—In cases instituted in the zillah court (which shall be determined by the judge, and shall not be referrible to the register) a special appeal only shall lie to the provincial court, and in like manner in cases decided in the first instance by the provincial court, an appeal shall be received by the court of Sudder Dewanny Adawlut, on special grounds only: provided, however, that the above restrictions shall not apply to cases in which the amount in contest shall exceed the sum of five thousand pounds sterling, in which a regular appeal shall lie to the court of Sudder Dewanny Adawlut. Suits instituted in the zillah courts to be tried by the judge, subject to one special appeal to the provincial court. Suits decided in the first instance in the provincial court, subject to a special appeal to the Sudder Dewanny Adawlut. *Proviso.*

appeal to the Sudder Dewanny Adawlut.

Second.—Provided also, that the provisions contained in Section II, Regulation XXVI, of 1814, shall not be applicable to such appeals, but the Sudder Dewanny Adawlut, or provincial court, in all cases of special appeal being preferred in conformity with the provisions of this Regulation, shall, together with the decree against which such appeal may be lodged, likewise peruse the final roobakary filed in the case by the Board of Revenue, or other authority exercising the powers of that Board; and if on a consideration of those documents, the decision of the court should appear unjust or erroneous, or doubtful, or its proceedings in the case manifestly irregular or imperfect, or if from the nature of the cause, as stated in the decree or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal, they shall admit a special appeal. Provisions of Section II, Regulation XXVI, 1814, not applicable to such appeals.

XXVII. In cases in which parties whose lands the revenue authorities may adjudge liable to assessment, shall bring a suit to contest the decision, in the manner prescribed in Section XXII, of this Regulation, the petition of plaint shall be received on stamped paper of the value of one rupee; provided, however, that if the suit be decided in favour of Government, the plaintiff shall be answerable for the amount of the stamp duty which he would have had to pay under the ordinary rules regarding civil suits, in lieu of the institution fee, unless the court shall decide that there was a fair ground for contesting the decision of the Board. Provision regarding stamped paper and fees on such suits.

Validity of firmans, sunnuds, or grants to be carefully ascertained.

XXVIII. First.—On the production of any written document purporting to be a firmam of any king of Delhi, or to be a sunnud, purwanna, or other grant, of any vizier, or of any nawab, raja, or other potentate or person formerly exercising authority in any part of the provinces and territories now subject to the British Government, it shall be the duty of the revenue and judicial authorities, before whom such document may be produced, to ascertain the validity and authenticity of it, by reference to such offices and records, and by the examination of such living witnesses, as may be likely to lead to the due appreciation thereof; and the said authorities shall not receive such document in evidence merely on the credit of the seal, or other attestations impressed upon it, without some external evidence in corroboration of its authenticity.

Such deeds not to be received unless duly registered.

Second.—Provided also that no document of the above description, which may be produced to any court or adawlut, shall be received, nor any proceedings held thereon, nor any faith given thereto, unless it shall be proved that the said document has been duly registered under the rules and requisitions of Regulations XIX, and XXXVII, 1793, XLI, and XLII, 1795, VIII, 1800, XXXI, and XXXVI, 1803, and VII, 1808, or unless due cause be shown for the non-registry.

The general provisions of this Regulation applicable to cases in which the collector may suspect the validity of original tenures of land, subsequently commuted for the money pensions noticed in Regulation XXIV, 1803, and Regulation VI, 1817.

XXIX. Whenever a collector or other officer exercising the powers of collector shall have reason to suspect the validity of the original tenure under which any land subsequently commuted for a money pension, of the description noticed in Regulation XXIV, 1803, and Regulation VI, 1817, was held, it shall be competent to him, with the previous sanction of the Board of Revenue, or other authority exercising the powers of that Board, to proceed in the investigation of the tenure under which such land was held, in the same manner as collectors are authorized by this Regulation to proceed in regard to the tenure of lands now held free of assessment; and if the Board shall be of opinion, that the tenure was invalid, it shall be competent to them to resume the money pension granted in consideration thereof, subject to an appeal to the courts of judicature, in the manner prescribed by this Regulation, in cases in which the Board may direct the assessment of land held free of assessment: provided, however, that it shall not be competent to the revenue authorities to resume any money pension of the above description, of which the incumbent may have been in the enjoyment, under orders of the Governor General in Council, for a period of twelve years or more.

Proviso.

Certain suits instituted in the civil courts to be referred to the collectors, and parties hereby authorized to prefer certain claims in the first instance to the collectors.

Proviso in the latter cases.

XXX. First.—All suits preferred in a court of judicature by proprietors, farmers or talookdars to the revenue of any land held free of assessment, as well as all suits so preferred by individuals claiming to hold lands exempt from revenue, shall, immediately on their institution, be referred for investigation to the collector or other officer exercising the powers of collector: provided also, that proprietors, farmers or talookdars, who may deem themselves entitled to the revenue of any land held free of assessment in their respective estates, talooks or farms, or individuals claiming as aforesaid to hold lands free of assessment, shall be at liberty to prefer their claims in the first instance to the collector; provided further, that the party so preferring his claim directly to the collector, shall, in his petition to the collector, state the particulars of his claim, and the grounds on which it is founded, in like manner as if the suit were instituted in a court of judicature; and the petition shall be written on stamped paper of the value prescribed for petitions of plaint in suits instituted in those courts.

Collector how to proceed when such suits are referred to him or instituted before him.

Second.—On receiving a petition of the above nature from any proprietor, farmer or talookdar, claiming the revenue of any land held free of assessment in their respective estates, or on a reference being, in such case, made from a court of judicature, the collector shall serve on the defendant a written notice, containing a short statement of the demand, and requiring the defendant to attend in person, or by vakeel, within the period of one month, and to produce all sunnuds or other documents in virtue of which he may possess the lands, and under which they may have been, or may be claimed to be held free of assessment.

Continuation of the same subject.

Third.—When the defendant shall appear and deliver up his title deeds, the collector, after allowing the claimant to inspect and examine them, shall call upon him to deliver, within the period of seven days, a full statement of the grounds on which, with reference to the documents, he may consider the tenure of the defendant invalid, and the lands liable to assessment, with all documents on which his claim to the revenue of them may be founded.

Fourth.

Fourth.—When the claimant shall have delivered in the said statement and documents, the collector shall proceed to investigate the case, and to record his final judgment on it, in the same manner and with the same powers, as in cases in which he may himself propose to assess lands on account of Government.

Continuation of the same subject.

Fifth.—The parties shall respectively be subject to the same rules in regard to the use of stamped paper, on summoning witnesses and filing exhibits, as are prescribed for suits instituted in the zillah or city courts.

Parties subject to the same rules regarding stamped paper as in regular suits.

Sixth.—In cases in which Government may not be itself a party, and in which the suit may have been originally instituted in a court of judicature, the collector, on closing his proceedings, shall transmit them, with all documents therein referred to, to the court by which the reference may have been made, recording his sentiments on the case as prescribed in Sections XX, and XXI, of this Regulation, and the court shall proceed to decide the case, after calling for such further evidence as may appear necessary; provided, however, that no sunnuds, accounts, or other documentary evidence of any kind, which may not have been produced before the collector, and for not producing which the party may not have assigned a sufficient cause, shall be received by the court.

The collector's proceedings on suits referred to him to be returned to the court with his sentiments.

The court will then decide the case.

Seventh.—In cases of the above description, which may have been preferred directly to the collector, if either of the parties shall be dissatisfied with the decision passed by that officer, he shall be at liberty to appeal to the zillah or city court by a petition written on stamped paper of the value of one rupee; provided, however, that no such appeal shall be received, unless preferred within the period of three months from the date of the collector's decision, or on good and sufficient cause being shown for a further delay.

If the claim shall have been preferred in the first instance to the collector the parties may appeal to the zillah court.

Eighth.—The judge, on receiving such petition, shall require the collector to transmit all the proceedings held by him in the case with the documents therein referred to, and shall proceed to investigate and decide on the case in like manner as if it had been originally instituted in the court, and referred by it to the collector.

Judge will then decide.

Ninth.—In all cases in which Government may be the defendant, or in which the revenue of the lands claimed may form part of an estate liable to a variable assessment, the collector shall, on closing his proceedings, submit them to the Board of Revenue, or other authority exercising the powers of that Board, for their decision. In such cases, if the suit shall have been referred by a court of judicature, the collector shall postpone the transmission of his return to the reference, until he shall receive the orders of the Board or other authority aforesaid, and if the claim shall have been originally preferred to the collector, the courts of judicature shall not interfere until the decision of the Board shall have been passed; provided, however, that in all such cases the decision of the Board shall be recorded in a Persian roobakarry, and transmitted to the collector in that form for the information of the parties; provided further, that in cases in which the claim may have been originally preferred to the collector, the party, if dissatisfied with the decision of the Board, shall be at liberty to appeal to the court by which the case may be cognizable, any time within the period of three months from the date on which the Board's decision may have been communicated to such party or to his vakeel, or in their absence, from the date on which the roobakaree containing the Board's decision may have been brought on the collector's record of the case.

In what case the proceedings to be submitted by the collector to the Board of Revenue.

Decision of the Board how to be communicated.

Parties dissatisfied, at liberty to appeal to the proper civil courts, within specific periods.

Tenth.—If the party shall not apply to the court within the said period, and shall fail to show good and sufficient cause for the delay, the decision of the revenue authorities shall be final, and shall, on application of the party in whose favour it may have been passed, be carried into effect by the courts of judicature, in the manner in which the decrees of courts are executed.

If no such appeal be preferred, the decision to be final. And to be executed by the courts.

Eleventh.—Provided also, that in cases in which the right of resuming the revenue of lands held free of assessment, or of recovering possession under such a tenure of lands which may have been subjected to assessment, shall have been adjudged by the revenue authorities, the courts shall in like manner carry the decision of the said authorities into immediate effect, notwithstanding the admission of an appeal therefrom, unless the party so applying shall give good and sufficient security for the payment of the mesne profits accruing from the lands under dispute.

Proviso.

Twelfth.—In cases of the above description, which may be decided by the courts of judicature, in appeal from the decision of the revenue authorities, whether the claim

A special appeal only to lie from the decision of the civil court.

claim be preferred in the first instance to the court, or collector, a special appeal only shall be admitted by the superior court, excepting always cases which, from their amount, may be appealable to the King in Council; provided also, that the rules contained in Section XXVI, of this Regulation, shall be applied to all appeals of the above nature.

Declaration that this Regulation shall not be considered to affect the right of proprietors to waste lands which were guaranteed to them at the permanent settlement.

XXXI. First.—Nothing in the present Regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively, at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the courts of judicature to decide on all contested cases, whether lands assessed under the provisions of this Regulation were included at the period of the decennial settlement within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed at the period in question a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zemindars, and other proprietors of land, will be enabled by an application to the courts, to obtain immediate redress in any case in which the revenue authorities shall violate, or encroach on the rights secured to them by the permanent settlement.

Nor to warrant the claim of additional revenue from lands permanently assessed on the plea of error or fraud.

Exception.

Second.—It is further hereby declared and enacted, that all claims by the revenue authorities on behalf of Government to additional revenue from lands, which were at the period of the decennial settlement included within the limits of estates for which a permanent settlement has been concluded, whether on the plea of error or fraud, or on any pretext whatever, saving of course the case of lands expressly excluded from the operation of the settlement, such as lakheraj and thannadarry lands, shall be, and be considered wholly illegal and invalid.

A. D. 1819. REGULATION III.

A REGULATION for extending the provisions of Section X, Regulation VIII, 1818, to Robbers, not being Dukyts or Gang Robbers:—Passed by the Governor General in Council on the 16th April 1819; corresponding with the 5th Bysack 1226 Bengal era; the 6th Bysack 1220 Fusly; the 6th Bysack 1226 Willaity; the 6th Bysack 1876 Sumbut; and the 20th Jumadee us Sanee 1234 Higeree.

Preamble.

WHEREAS it has been judged expedient that the provisions contained in Section X, Regulation VIII, 1818, regarding the requisition of security from notorious gang robbers (dukyts) should be rendered applicable to other notorious robbers, not coming under the denomination of dukyts, the following Rules have been enacted, to be in force from the date of their promulgation throughout the provinces subject to the Presidency of Fort William.

Application of Section X, Regulation VIII, 1818, extended to what persons.

II. The provisions contained in Section X, Regulation VIII, 1818, are hereby declared to be applicable, not merely to gang robbers (dukyts), but also to other notorious robbers of whatever denomination, being of desperate or dangerous character, whom it would be unsafe to set at liberty without substantial security for their future good behaviour.

Judges of circuit and other officers to be guided by the foregoing rule in the future execution of their duty.

III. The Judges of Circuit, as well as the officers specially appointed to revise the cases of prisoners in confinement, under requisition of security, will be guided in the future execution of their duty by the foregoing rule, in the same manner as if the purport of it had been originally included in Regulation VIII, 1818.

A. D. 1819. REGULATION IV.

A REGULATION for the appointment of a Board for the superintendence of the Revenue derived from Customs, Town Duties, Salt and Opium :—Passed by the Governor General in Council on the 22d April 1819; corresponding with the 11th Bysack 1226 Bengal era; the 12th Bysack 1226 Fusly; the 12th Bysack 1226 Willaity; the 13th Bysack 1876 Sumbut; and the 26th Jumadee us Sance 1234 Higeree.

WHEREAS it is desirable that the Board of Revenue should be enabled to devote their attention exclusively to the important arrangements now in progress in the interior of the country, and especially that they should from time to time personally visit the districts under their control; and whereas it appears necessary for that purpose, to relieve the said Board from the superintendence and control of the department of Customs and Town Duties; and whereas with a view to the improvement of these branches of the public revenue, and to the promotion of the interests and convenience of the community, it further appears expedient to vest the superintendence of the several custom houses in the province of Bengal in a distinct Board, which shall sit daily (Sundays and holidays excepted) for the transaction of public business connected with the said custom houses, and shall perform such other duties relating to the commercial concerns of the country, and the perception of the revenue derivable therefrom, as Government shall from time to time direct; and whereas it likewise appears expedient to unite under one authority of control, the departments of customs, salt and opium, and it is also desirable otherwise to modify the constitution of the several Boards intrusted with the superintendence of the territorial revenues of this Presidency; the following Rules have been enacted, to be in force from the first of May next ensuing.

II. First.—So much of the rules contained in Regulations IX, and X, 1810, and in any subsequent Regulations as renders the collectors of Government customs and town duties within the province of Bengal, and the officers subordinate to them, subject to the authority of the Board of Revenue, and vests that Board with the several powers and duties relating to those branches of the public revenue, specified in the Regulations aforesaid, is hereby rescinded and annulled.

Second.—In like manner, so much of the Regulations in force as renders the salt and opium agents, superintendents of salt chokies, and the officers subordinate to them, subject to the Board of Trade, and vests that Board with the several powers and duties specified in the said Regulations, is hereby rescinded and annulled.

III. First.—A Board shall be constituted, consisting of such number of members as the Governor General in Council may from time to time determine, for the superintendence of the several branches of the public revenue above-mentioned, to be denominated the Board of Revenue in the Customs, Salt and Opium Departments.

Second.—The Board aforesaid is hereby vested with all the duties, powers and authority heretofore legally possessed and exercised by the Board of Revenue with respect to customs and town duties.

Third.—The aforesaid Board are likewise hereby vested with all the powers, duties and authority heretofore legally possessed and exercised by the Board of Trade in the salt and opium departments.

Fourth.—The members of the said Board, and the several officers attached to it, being covenanted servants of the Company, shall, previous to entering upon the execution of the duties of their respective offices, severally take the oath prescribed by Act of Parliament for servants of the Company employed in the management and collection of the revenue, before the Governor General in Council, or such person as he may appoint.

Fifth.—It shall be competent to the Governor General in Council to authorize a single member of the said Board to exercise, either generally or locally, all the duties, power and authority which are vested as aforesaid in the Board collectively, whenever circumstances may render such an arrangement advisable. It shall further be

Preamble.

Rules rescinded.

Further rules rescinded.

Board established, to be denominated the Board of Revenue in the Customs, Salt and Opium Departments.

The Board vested with what powers in regard to customs and town duties.

Ditto in regard to salt and opium.

Oaths to be taken by the members of the Board, and by the covenanted servants of the Company attached to it.

The governor general in council may empower one member to exercise the functions and authority vested in the board collectively;

or may authorize each member to exercise those powers in different departments at the same time.

competent to the Governor General in Council to authorize the several members of the said Board, separately, to exercise at the same time and within the same limits, or within distinct limits, such part of the said duties, power and authority, as it may be judged proper to assign to each respectively, whenever for the greater dispatch of business or other cause, it may appear advisable to divide the business of the Board, or to assign any special charge to any member separately.

A. D. 1819. REGULATION V.

A REGULATION for modifying certain parts of the Rules in force, in regard to the conduct of the business of the Mints subordinate to this Presidency:—
Passed by the Governor General in Council on the 25th June, 1819; corresponding with the 12th Assaur 1226 Bengal Era; the 17th Assaur 1226 Fusly; the 13th Assaur 1226 Willaity; the 3d Assaur 1876 Sumbut, and the 1st Ramzan 1234 Higerco.

Preamble.

BY Regulation II, 1812, and Regulation XIV, 1818, fixed periods are prescribed for the payment of certificates, granted to individuals in exchange for bullion or coin, delivered into the mints of Calcutta, Benares and Furruckabad: but the importations of bullion may at times be so heavy, as to preclude the possibility of coining it, as tendered for that purpose, within the fixed period; while the exigencies of the state may render it inconvenient to provide for the payment of mint certificates, before the bullion for which they are granted, can be coined: it has become expedient therefore to rescind the said rules, and to reserve to Government the power of fixing from time to time, by public notice, the periods within which the certificates aforesaid shall be payable. It further appears expedient to reserve to the Governor General in Council the power of altering, in like manner, the form and inscription of the coins to be struck at the said mints; provided always, that no diminution be made with regard to the quantity of pure bullion, purported to be contained in each piece of coin respectively. It has likewise been deemed proper to fix the duty to be levied on the coinage of gold bullion and coin, at the same rate as has been established for silver: the following Rules have accordingly been enacted, to be in force from the present date, within the provinces immediately dependant on the Presidency of Fort William.

Rescinding certain rules of former Regulations which prescribe that certificates granted at the different mints for bullion or coin should be payable within the periods therein specified.

II. So much of Clause Fourth, Section VIII, and Section XXXI, Regulation II, 1812, and Clause Fifth, Section III, Regulation XIV, 1818, as prescribes that the mint certificates granted at the mints of Furruckabad, Benares and Calcutta, for bullion or coin, delivered into those mints, shall be payable within the periods therein severally specified, is hereby rescinded and annulled.

The governor general in council will determine the periods for which such certificates should run, and such determination to be made public.

III. The Governor General in Council will from time to time determine the periods for which the certificates aforesaid shall run; such determination to be made public by advertisement in the Government Gazette, and by a notice to be affixed in a conspicuous part of the mint to which the order may refer.

The governor general in council reserves to himself the power of altering the form and

IV. The Governor General in Council further reserves to himself the power of altering, in like manner, the form and inscription of the coins struck at the said mints.

Modifying former rules and enacting that a duty of two per cent. only be deducted from the produce of gold bullion or coin brought for coinage to the Calcutta mint.

V. In modification of the rules contained in Section V, Regulation II, 1812, and Section V, Regulation XIV, 1818, it is hereby enacted, that from and after the promulgation of this Regulation, a duty of two per cent. only shall be deducted from the produce of gold bullion or coin which may be brought for coinage to the Calcutta mint, in lieu of the duty specified in Table 2, annexed to the last-mentioned Regulation.

A. D. 1819. REGULATION VI.

A REGULATION for rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof:—Passed by the Governor General in Council on the 25th June 1819, corresponding with the 12th Assaur 1226 Bengal era; the 17th Assaur 1226 Fusly; the 13th Assaur 1226 Willaity; the 3d Assaur 1876 Sumbut; and the 1st Rumzan 1234 Higeree.

WHEREAS the rules contained in Regulation XIX, 1816, intituled, “A Regulation for the better management of Ferries, &c.” have not in their general operation been attended with the advantages contemplated by Government in enacting them; and whereas it has been judged expedient to restrict the interference of the officers of Government in regard to ferries, to objects connected with the maintenance of an efficient police, the safety and convenience of travellers, and the facility of commercial intercourse; and whereas it will in consequence be expedient to place such ferries under the exclusive charge of the magistrates and joint magistrates; the following Rules have been enacted, to be in force throughout the provinces subject to the Presidency of Fort William.

II. First.—The provisions of Regulation XIX, 1816, shall be rescinded, and shall cease to have effect from the following dates; viz.

Regulation XIX, 1816, rescinded.

In those districts in which the Bengal era is current, from the date of the promulgation of this Regulation.

In those districts in which the Willaittee era is current, from the commencement of the ensuing Willaittee year 1227.

In those districts in which the Fuslee era is current, from the commencement of the ensuing Fuslee year 1227.

Second.—From the several dates above specified, the collectors of revenue will refrain from exercising any interference with the public ferries, the immediate superintendence of which shall be vested in the magistrates and joint magistrates.

Superintendence of the public ferries vested in the magistrates and joint magistrates.

III. First.—No ferries shall be hereafter considered public ferries, except such as may be situated at or near the sudder stations of the several magistrates or joint magistrates, or such as may intersect the chief military routes, or other much frequented roads, or such as from special considerations it may appear advisable to place under the more immediate management of the magistrates and joint magistrates.

Description of ferries which are to be considered public ferries.

Second.—The Government reserves to itself the power of determining from time to time what ferries shall, under the preceding rule, be deemed public ferries, and as such, shall be subject to the immediate control of the magistrates and joint magistrates; and no magistrate or joint magistrate shall, without previous authority from Government, assume the management of any ferry which may not have been let in farm or held khas, or otherwise subjected to assessment by the collectors, under the provisions of Regulation XIX, 1816,

Magistrates and joint magistrates interdicted from assuming the charge of unassessed ferries, unless specially authorized

Third.—It will be the duty of the several magistrates and joint magistrates to prepare lists of the ferries which in their judgment should, under the foregoing rules, be considered to be public ferries, and transmit them as soon as prepared, through the superintendents of police, for the information and orders of Government.

Lists of proposed ferries to be submitted to Government, through the superintendents of police.

IV. First.—The power of appointing proper persons to the charge of the public ferries is vested in the magistrates and joint magistrates, who are authorized from time to time to issue such orders as they may judge expedient, for limiting the rates of toll to be levied at each ferry, for regulating the number and description of boats to be maintained, for preventing exactions, and generally for promoting the efficiency of the police, and the safety and convenience of the community.

Magistrates and joint magistrates empowered to appoint persons to the charge of ferries, and to regulate the rates of toll, number of boats, &c.

Second.—On proof of any wilful breach of those rules, or of other misconduct on the part of the manjees or other persons in charge of the public ferries, the magistrates and joint magistrates are empowered (independently of any punishment to which the parties may subject themselves under the general Regulations), to remove such individuals and to appoint others in their room.

In what cases manjees or others in charge of public ferries may be removed from their situations

Specification of persons to be exempted from toll.

Third.—The manjees, or other persons who may be vested with the charge of public ferries, are to engage to cross free of toll the troops of Government, with their baggage and military stores, as well as all police and other native officers of Government who may be actually employed on the public service.

Attested lists of public ferries to be stuck up in the magistrates' and collectors' cutcherries, and in the thannah.

V. A list of all public ferries, bearing the signature of the magistrate or joint magistrate, shall be constantly stuck up in some conspicuous place in their cutcherries, and in that of the collector of the district, and likewise in the thannah within the jurisdiction of which they may be situated.

The exclusive right to public ferries declared to belong to Government, and all private ferries in their vicinity prohibited.

Proviso, in cases of compensation claimed for loss sustained.

VI. *First.*—Such ferries shall exclusively belong to Government, and no person shall be allowed to employ a ferry boat plying for hire at or in their immediate vicinity, without the previous sanction of the magistrate or joint magistrate: provided, however, that due attention shall be paid to all claims for compensation which may be preferred by individuals, for any loss which may be sustained by them, in consequence of the extension of the authority of Government to ferries hitherto under their private management, and which may not have been heretofore let in farm or held khas, or otherwise deemed subject to assessment on account of Government.

Such cases to be investigated and reported to Government.

Second.—Claims of that nature shall be inquired into by the magistrates and joint magistrates, and their opinion on the merits of each case, shall be reported through the channel of the superintendents of police, for the consideration and orders of Government.

Specification of objects to which the magistrates and joint magistrates are to attend, in assuming charge of the public ferries.

VII. *First.*—In assuming the management of public ferries, the general objects of the magistrates and joint magistrates shall be, the maintenance of an efficient police, the safety and convenience of travellers, the facility of commercial intercourse, and the expeditious transport of troops. For the above objects, they shall be careful to provide or cause to be provided safe and commodious boats; they shall fix the rates of toll on a very moderate scale, in no case exceeding, without an indispensable necessity, the rates which prevailed previous to the enactment of Regulation XIX, 1816; they shall adjust the modes of payment, so that the tolls may bear as lightly as possible on the poorer classes of the community, and by leaving a fair profit to the individual who may be chosen for the immediate charge of the ferries, they shall endeavour to secure as far as possible the services of respectable and competent persons.

No collections to be made on account of Government, until the objects specified in the preceding clause have been attained.

Surplus collections how to be appropriated.

Second.—No collections shall be taken on account of Government, from the proceeds of any ferry, until the above objects are fully secured; and if in any case there shall remain a clear surplus profit, after providing adequately for those purposes, the amount collected shall be applied solely to the furtherance of similar objects, such as the repair or construction of roads, bridges and drains, the erection of suraacs, or other works of a like nature.

Rule of proceeding in cases where a public ferry shall yield a surplus revenue.

Persons in such cases to enter into an engagement for the payment of instalments.

How the magistrate or joint magistrate is to proceed when the person shall refuse to enter into such an engagement.

Third.—In cases of the latter description, viz. those in which the receipts of any ferry shall be sufficient to afford a surplus revenue as above mentioned, the magistrate or joint magistrate, having previously received special authority from Government in that behalf, may and shall require the person holding or applying for the charge of the ferry, to enter into an engagement for the payment, by monthly or quarterly instalments, of such a sum of money, as with reference to the estimated surplus, may appear justly demandable, without risking the primary objects above indicated; and if any person in charge of a ferry shall refuse to enter into an engagement as aforesaid, and shall not assign sufficient cause for such refusal to the satisfaction of the magistrate or joint magistrate, it shall be competent to such officer, to transfer the charge of the ferry to any other respectable and competent person: provided, however, that no person in charge of a ferry, who shall otherwise conduct himself to the magistrate's satisfaction, shall be removed from his charge under the above rule, excepting at the expiration of the Bengal or Fusly year, according to the era current in the province.

The mode of paying the collections realized under this Section, to be adjusted under the orders of Government.

Proviso.

Fourth.—The mode in which collections made under this Section shall be paid, whether into the treasury of the magistrate or collector, or any other public officer, shall be determined by the orders of Government, and adjusted with the party by the magistrate or joint magistrate, at the time of giving him charge of the ferry or ferries intrusted to him: provided, however, that as a general rule, all persons in charge of ferries subject to the payment of a rent, shall, on discharging any instalments,

ments, receive and be directed to require receipts for the amount, which shall be countersigned by an European officer of Government.

VIII. The magistrate or joint magistrate shall be competent to take security for the good behaviour of persons vested with the charge of public ferries, and in the case of persons who may, under the provisions of the foregoing Section, enter into an engagement for the payment of a yearly rent, it shall likewise be competent to the officers aforesaid to require adequate security for the punctual payment of the amount, as it may become due.

Security for good behaviour to be given by persons in charge of public ferries, as well as for the punctual performance of engagements.

IX. Any person in charge of a public ferry, whether subject to the payment of rent or not, shall be at liberty to relinquish the charge on giving ten days notice to the magistrate or joint magistrate, and on paying any arrears that may be due: provided, however, that it shall in such case be competent to the magistrates or joint magistrates to require any person who may so relinquish the charge of a ferry, or who may be removed from such charge, to transfer the boats belonging to the ferry, to the person who may be appointed to succeed him, at a fair valuation, or to retain the boats until others can be provided, making a suitable compensation to the owner.

Persons to be allowed to relinquish the charge of ferries on giving ten days notice to the magistrate and on payment of arrears.

Proviso regarding the transfer of boats.

X. If any person having charge of a ferry, and subjected to the payment of a yearly rent, shall fail to discharge the amount as it may become due, he shall be liable to immediate removal, and the magistrate or joint magistrate, after ascertaining the arrear and certifying the default, will proceed to the recovery of the amount from the party and his surety, in the manner prescribed by Section VII, Regulation XVIII, 1817, for the recovery of public money embezzled by native officers of the civil and criminal courts; giving at the same time a liberal consideration to any pleas which the party may urge in explanation of the default.

How a magistrate or joint magistrate is to proceed for the recovery of the rent of a public ferry from a defaulter.

XI. All persons vested with the charge of public ferries, whether paying any rent or not, shall on accepting the situation be distinctly apprized that the magistrates and joint magistrates reserve to themselves the power of reducing the rates of toll, or extending the exemptions from the payment of it, at such times and in such manner as shall appear proper, with a view to the public good; provided, however, that in the event of any such measures being adopted, the party in charge of the ferry may relinquish the charge, and the magistrate shall in such case purchase from him at a fair valuation, or cause his successor so to purchase, all boats belonging to the ferry, with all articles thereunto appertaining.

Persons on receiving charge of public ferries to be informed of the discretion reserved to the magistrate, for reducing tolls, or extending exemptions.

Proviso, in case a person may wish to relinquish charge.

XII. *First.*—Provided also, that whenever a magistrate or joint magistrate shall adopt such measures in regard to any ferry for which a rent shall have been required from the person vested with the charge of it, the said magistrate or joint magistrate shall, in communicating his orders to the party aforesaid, at the same time apprise him whether he designs to allow any and what reduction in the stipulated rent.

Further proviso in such cases.

Second.—If the person in charge of the ferry shall not be willing or able to pay the rent so fixed by the magistrate or joint magistrate, he shall nevertheless immediately carry the magistrate's or joint magistrate's order into effect, and shall state in his reply to those orders the amount of rent which he may be willing to continue to discharge. Should the offer of the party in charge of the ferry appear inadequate, it shall be competent to the magistrate or joint magistrate to remove him and to place another person in charge of the ferry, purchasing the boats and their appurtenances as aforesaid; but the person so removed shall be required to pay, for the days during which he may retain charge, subsequently to the date of his reply to the magistrate's order, a proportionate rent, calculated at such rate only as he may have tendered.

A person if unwilling to pay the fixed rent of a ferry, required first to carry the magistrate's orders into effect, and then to state the rent he may be willing to pay.

Such person to be removed, should his offer be deemed inadequate, and all arrears to be required from him.

XIII. *First.*—The foregoing rules are intended to apply exclusively to those ferries which may be declared to be public ferries; with regard to all other ferries, the magistrates and joint magistrates shall not interfere with them, further than may be necessary for the general maintenance of the police, and for the safety of passengers and property.

Magistrates prohibited from interfering with any other than public ferries, except for purposes of police and for the safety of passengers.

Second.—Provided, however, that if any person shall be drowned or exposed to imminent danger, or if any property shall be lost or damaged by the oversetting or sinking of a ferry boat, and it shall be established on inquiry before the magistrate or joint magistrate, that the boat was overloaded with passengers or property, or

Proviso, in cases where persons or property may suffer by boats being overloaded, or inadequately found.

Punishment to which manjees or others are declared liable on conviction in such cases.

was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghaut or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned or out of repair, shall be liable to such punishment as the magistrate or joint magistrate may think proper to impose, not exceeding imprisonment for six months, or a fine of two hundred rupees.

Annual statements of public ferries made up to the 1st January in each year, to be forwarded by the magistrates to Government, through the superintendents of police.

What such statements are to contain.

XIV. An annual statement made up to the first of January of each year shall be forwarded by the several magistrates and joint magistrates to the superintendents of police, exhibiting the number of public ferries in each district, the amount of the net assessment realized from such of them as may be subject to assessment, and the purposes to which the amount so realized may have been appropriated under Clause Second, Section VII, of this Regulation. In submitting to Government the results of those statements, the superintendents of police will offer any suggestions which may appear to them calculated to facilitate or to improve the practical operation of the system.

A. D. 1819. REGULATION VII.

A REGULATION for declaring certain Misdemeanors punishable by the Magistrates; and for defining the Punishment to be adjudged in such cases:—
Passed by the Governor General in Council on the 9th July 1819, corresponding with the 26th Assaur 1226 Bengal era; the 2d Sawun 1226 Fusly; the 27th Assaur 1226 Willaity; the 2d Sawun 1876 Sumbut; and the 15th Rumzan 1234 Higreee.

Preamble.

IT has been represented to Government, that in some parts of the country, and especially in cities and large towns, the peace and happiness of families are often destroyed by evil disposed persons, chiefly women, who are employed to entice and take away the wives, or female children of the fixed inhabitants from their respective houses, for the purpose of rendering them prostitutes, or concubines, or of otherwise unlawfully disposing of them, to their serious detriment, and to the injury of their husbands and parents. It has also been stated, that great distress to women and children is frequently occasioned by husbands and fathers deserting their families, and neglecting to provide for their support, although possessing the means of maintaining them; as well as from a similar neglect by the fathers of illegitimate offspring, in neither providing for the support of such offspring, or their mothers. The speedy cognizance and punishment of such misdemeanors by the zillah and city magistrates, and joint magistrates, subject to the regular control of the Courts of Circuit, appear to be the most efficient means of preventing, or checking, the culpable practices above described. It is further judged expedient to empower the magistrates and joint magistrates to take cognizance of certain misdemeanors committed by workmen and domestic servants, in cases not expressly provided for by any existing Regulation; at the same time maintaining the just claims of workmen and servants upon their respective employers. The Governor General in Council has accordingly enacted the following Rules, to be in force as soon as promulgated throughout the provinces immediately subject to the Presidency of Fort William.

Magistrates how to punish persons guilty of enticing or of causing to be enticed from their homes, married or unmarried females for illegal purposes.

II. If any person amenable to the jurisdiction of the zillah and city courts shall be convicted before a zillah or city magistrate, or joint magistrate, of the offence of enticing and taking away, or causing to be enticed and taken away, a married woman living under the protection of her husband, or of any person having the care of her in his behalf; or of enticing and taking away, or causing to be enticed and taken away, an unmarried female, under the age of maturity, viz. fifteen years, and living with her parents or other legal guardians, or any persons acting in their behalf, for the purpose of rendering such married woman, or unmarried female minor, a prostitute or concubine, or otherwise disposing of her in an unlawful manner, without the consent of the husband, parent or other guardian of the woman or minor thus disposed of, the person so convicted shall be liable to a sentence of fine and imprisonment, to such extent as may appear adequate to the circumstances of the case, and may not exceed the powers vested in the magistrates by Section XIX, Regulation IX, 1807, viz. imprisonment for six months, and a fine not exceeding two hundred rupees, commutable, if not paid, to a further period

The sentence to be such as may appear adequate to the case, but the powers hereby vested in magistrates in no instance to exceed those vested

period of imprisonment, not exceeding six months. If in any instance the offender shall appear to merit a more severe punishment, he shall be committed for trial before the Court of Circuit; and the provisions of Section VI, Regulation XVII, 1817, are hereby declared applicable to all such commitments.

in them by Section XIX, Regulation IX, 1807.

If the crime appear to merit a severer punishment, magistrates in what manner to proceed.

III. Any person amenable to the jurisdiction of the zillah and city courts, who may possess the means of supporting his wife and children, and shall notwithstanding desert them and wilfully neglect to provide for their support, on proof thereof to the satisfaction of the magistrate, or joint magistrate, of the zillah or city in which the party so deserting and neglecting his family may reside, shall be required to provide for the maintenance of his family in a suitable manner, according to his situation and circumstances in life; and on his failing so to do, shall be considered guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding one month. He shall also be liable to a repetition of the sentence, upon any subsequent conviction of a similar misdemeanor, after having been required to provide for the support of his family; provided, however, that nothing in this Section shall render a husband liable to punishment for not maintaining his wife, if it be clearly shown, that the latter has forfeited all just claim to support from her husband, by living in adultery with another person, or by other acts implying wilful abandonment of his protection.

Persons convicted of deserting their wives and families, and of wilfully neglecting to support them, to be required so to do by the magistrate, and on failure subject to what punishment.

Proviso.

IV. The above Section shall be held applicable to illegitimate, as well as to legitimate children; and may also be applied at the discretion of the magistrate, to secure a proper maintenance for the mothers of illegitimate offspring, whilst in a state of pregnancy, or having the care of an infant child.

What persons other than wives and legitimate children entitled to the benefit of the above Section.

V. All persons who may voluntarily engage to serve as workmen, of any description, for a stipulated term, or who may voluntarily contract for the performance of any specific work, and who without good and sufficient cause, shall wilfully quit the service so engaged for, before the expiration of the term agreed upon, or shall wilfully neglect to perform the work so contracted for, shall be deemed guilty of a misdemeanor, and on conviction before a magistrate, or joint magistrate, shall be liable to a sentence of imprisonment not exceeding one month. The magistrate or joint magistrate may likewise require the persons so convicted to complete their stipulated term of service, or to perform the work contracted for, if it appear just and proper to require the same; and any subsequent conviction of wilful neglect to comply with such requisition, shall be punishable by a further sentence of imprisonment, not exceeding two months.

Workmen engaging for a stipulated term, or contracting for the performance of work, and without sufficient cause quitting the service or work engaged for, are punishable by the magistrates, in what manner.

VI. *First.*—The provisions of the foregoing Section are also declared applicable to domestic servants, who may engage to serve for any fixed term, or during the performance of any specific service, or though no such engagement have been entered into, may be employed from month to month, and without good and sufficient cause shall wilfully quit the service of their employers before the expiration of the fixed term, or before the completion of the stipulated service, or with respect to monthly servants, without giving previous notice for a period not less than fifteen days.

To what other persons the provisions of the above Section applicable.

Second.—In like manner no master, or other person, employing a servant for a fixed term, or for a specific service, or from month to month, shall be at liberty, without good and sufficient cause, to discharge such servant, against his will, before the expiration of the fixed term, or the completion of the specified service, or with respect to servants employed from month to month, without giving previous warning of the intended discharge for a period of at least fifteen days, or paying his wages for that period.

Rule to control discharge of servants of their masters in certain cases.

Third.—It shall be the duty of the magistrates and joint magistrates, on applications made to them upon the stamped paper prescribed in Section XVIII, Regulation I, 1814, (viz. bearing a stamp of eight annas), to enforce the provisions of the above Clause, by causing payment to any servant who may be discharged in opposition thereto, of a sum equal to half a month's wages, in addition to any arrear of wages which may be due to him at the time of his discharge; or if the servant have been engaged for a fixed term, or for a specific service, by causing payment to be made to him of such sum as may appear fully adequate to any loss sustained by him from being discharged before the time agreed upon.

Magistrates to enforce the provisions of the above Clause, on application being made to them on the prescribed stamped paper, and in what manner.

Provido.

In what cases the provisions of this Regulation shall not be enforced against a workman or servant quitting his employer without previous notice, or before the expiration of a stipulated term, or without having completed the work contracted for.

All sentences passed by magistrates under any part of this Regulation, open to the control of the Courts of Circuit.

Fourth.—Provided, however, that no servant shall be entitled to recover more than his arrear of wages, when he may be discharged for any misconduct proved to the satisfaction of the magistrate or joint magistrate, and appearing sufficient to warrant his discharge. Nor shall any workman or servant be liable to punishment under the provisions of this Regulation, when it may be proved, to the satisfaction of the magistrate and joint magistrate, that his quitting the service of his employer, without previous notice, or before the expiration of a stipulated term, or without having completed the performance of any work contracted for, was occasioned by gross mal-treatment, or by non-payment of wages due, or by any other cause which may appear to the magistrate or joint magistrate sufficient to justify or excuse the act complained of.

VII.—The whole of the sentences which may be passed by a magistrate, or joint magistrate, under any part of this Regulation, will of course be open to the regular control of the Court of Circuit of the division, according to the general rules in force upon this subject.

A. D. 1819. REGULATION VIII.

A REGULATION to declare the validity of certain Tenures, and to define the relative rights of Zemindars and Putnee Talookdars, also to establish a process for the sale of such Talooks in satisfaction of the Zemindar's demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal:—Passed by the Governor General in Council on the 3d September 1819, corresponding with the 19th Bhadoon 1226 Bengal era; the 29th Bhadoon 1226 Fusly; the 20th Bhadoon 1227 Willaity; the 14th Bhadoon 1876 Sumbut; and the 12th Zekaad 1234 Higeree.

Preamble.

BY the rules of the perpetual settlement, proprietors of estates paying revenue to Government, that is the individuals answerable to Government for the revenue then assessed on the different muhals, were declared to be entitled to make any arrangements for the leasing of their lands in talook or otherwise, that they might deem most conducive to their interests. By the rules of Regulation XLIV, 1793, however, all such arrangements were subjected to two limitations; first, that the jumma, or rent, should not be fixed for a period exceeding ten years; and secondly, that in case of a sale for Government arrears, such leases or arrangements should stand cancelled from the day of sale. The provisions of Section II, Regulation XLIV, 1793, by which the period of all fixed engagements for rent was limited to ten years, have been rescinded by Section II, Regulation V, 1812; and in Regulation XVIII, of the same year it is more distinctly declared, that zemindars are at liberty to grant talooks or other leases of their lands, fixing the rent in perpetuity at their discretion, subject however to the liability of being dissolved on sale of the grantor's estate for arrears of the Government revenue, in the same manner as heretofore. In practice the grant of talooks and other leases at a rent fixed in perpetuity had been common with the zemindars of Bengal for some time before the passing of the two Regulations last mentioned; but, notwithstanding the abrogation of the rule which declared such arrangements null and void, and the abandonment of all intention or desire to have it enforced as a security to the Government revenue in the manner originally contemplated, it was omitted to declare in the rules of Regulations V, and XVIII, of 1812, or in any other Regulation, whether tenures at the time in existence and held under covenants or engagements entered into by the parties in violation of the rule of Section II, Regulation XLIV, 1793, should, if called in question, be deemed invalid and void as heretofore. This point it has been deemed necessary to set at rest by a general declaration of the validity of any tenures that may be now in existence, notwithstanding that they may have been granted at a rent fixed in perpetuity, or for a longer term than ten years, while the rule fixing this limitation to the term of all such engagements, and declaring null and void any granted in contravention thereto, was in force. Furthermore, in the exercise of the privilege thus conceded to zemindars under direct engagements with Government, there has been created a tenure which had its origin on the estates of the Rajah of Burdwan, but has since been extended to other zemindaries, the character of which tenure is, that it is a talook created by the zemindar, to be held at a rent fixed in perpetuity by the lessee and his heirs for ever;

ever; the tenant is called upon to furnish collateral security for the rent, and for his conduct generally, or he is excused from this obligation at the zemindar's discretion; but even if the original tenant be excused, still in case of sale for arrears, or other operation leading to the introduction of another tenant, such new incumbent has always in practice been liable to be so called upon at the option of the zemindar; by the terms also of the engagements interchanged, it is amongst other stipulations provided, that in case of an arrear occurring, the tenure may be brought to sale by the zemindar, and if the sale do not yield a sufficient amount to make good the balance of rent at the time due, the remaining property of the defaulter shall be further answerable for the demand. These tenures have usually been denominated putnee talooks, and it has been a common practice of the holders of them to underlet on precisely similar terms to other persons, who on taking such leases went by the name of durputnee talookdars: these again sometimes similarly underlet to seputneedars, and the conditions of all the title deeds vary in nothing material from the original engagements executed by the first holder. In these engagements, however, it is not stipulated whether the sale thus reserved to himself by the grantor is for his own benefit, or for that of the tenant; that is, whether in case the proceeds of sale should exceed the zemindar's demand of rent, the tenant would be entitled to such excess; neither is the manner of sale specified, nor do the usages of the country nor the regulations of Government afford any distinct rules, by the application of which to the specific cases, the defects above alluded to could be supplied, or the points of doubt and difficulty involved in the omission be brought to determination in a consistent and uniform manner. The tenures in question have extended through several zillahs of Bengal, and the mischiefs which have arisen from the want of a consistent rule of action for the guidance of the courts of civil judicature in regard to them, have been productive of such confusion as to demand the interference of the legislature: it has accordingly been deemed necessary to regulate and define the nature of the property given and acquired on the creation of a putnee talook as above described, also to declare the legality of the practice of underletting in the manner in which it has been exercised by putneedars and others, establishing at the same time such provisions as have appeared calculated to protect the under-lessee from any collusion of his immediate superior with the zemindar, or other, for his ruin, as well as to secure the just rights of the zemindar on the sale of any tenure under the stipulations of the original engagements entered into with him.—It has further been deemed indispensable to fix the process by which the said tenures are to be brought to sale, and the form and manner of conducting such sale; and whereas the estates of zemindars under engagements with Government are liable to be brought to sale at any time for an arrear in the revenue, payable by monthly kists to Government, it has seemed just to allow any zemindar who may have granted tenures with a stipulation of the right to sell for arrears, the opportunity of availing himself of this means of realizing his dues in the middle of the year, as well as at the close, instead of only at the end of the Bengal year, as heretofore allowed by the regulations in force; it has further been deemed equitable to extend this rule to all cases in which the right of sale may have been reserved, even though in conformity with the regulations heretofore in force the stipulation for sale contained in the engagements interchanged may have restricted such sale to the case of a demand of rent remaining unpaid, at the close of the Bengal year. It has been likewise deemed advisable to explain and modify some of the existing rules for the collection of rents, with a view to render them more efficacious than at present, as well as to provide against sundry means of evasion now resorted to by defaulters. The following Rules have accordingly been enacted by his Excellency the most noble the Governor General in Council, to take effect from the date of their promulgation throughout the several districts of the province of Bengal, including Midnapore.

II. It is hereby declared that any leases or engagements for the fixing of rent now in existence, that may have been granted or concluded for a term of years, or in perpetuity, by a proprietor under engagements with Government, or other person competent to grant the same, shall be deemed good and valid tenures, according to the terms of the covenants or engagements interchanged, notwithstanding that the same may have been executed before the passing of Regulation V, 1812, and while the rule of Section II, Regulation XLIV, 1793, which limited the period for which it was lawful to grant such engagements to ten years, and declared all that might be entered into for a longer term to be null and void, was in full force and effect; and

Leases fixing rent in perpetuity, or for a longer term than ten years, declared valid, though executed while Section II, Regulation XLIV, 1793, was in force.

notwithstanding that the stipulations of the said leases may be in violation of the rule in question: provided, however, that nothing herein contained shall be held to exempt any tenures held under engagements from proprietors of estates paying revenue to Government, from the liability to be cancelled on sale of the said estates for arrears of the said revenue, under the rule of Section V, Regulation XLIV, 1793, unless specially exempted from such liability by the rule in question, or by any other specific rule of the Regulations in force.

Putnee tenures declared valid, transferable and answerable for debt.

III. *First*.—The tenures known by the name of putnee talooks, as described in the preamble to this Regulation, shall be deemed to be valid tenures in perpetuity, according to the terms of the engagements under which they are held. They are heritable by their conditions; and it is hereby further declared, that they are capable of being transferred by sale, gift or otherwise, at the discretion of the holder, as well as answerable for his personal debts, and subject to the process of the courts of judicature, in the same manner as other real property.

Putneedars right of underletting declared.

Second.—Putnee talookdars are hereby declared to possess the right of letting out the lands composing their talooks in any manner they may deem most conducive to their interest, and any engagements so entered into by such talookdars with others shall be legal and binding between the parties to the same, their heirs and assignees: provided, however, that no such engagements shall operate to the prejudice of the right of the zemindar to hold the superior tenure, answerable for any arrear of his rent, in the state in which he granted it, and free of all incumbrance resulting from the act of his tenant.

Putnee tenures declared not voidable for arrears.

Third.—In case of an arrear occurring upon any tenure of the description alluded to in the first Clause of this Section, it shall not be liable to be cancelled for the same, under the rule contained in the seventh Clause of Section XV, Regulation VII, 1799, for leases conveying a limited interest in the land; but the tenure shall be brought to sale by public auction, and the holder of the tenure will be entitled to any excess in the proceeds of such sale, beyond the amount of the arrear of rent due; subject, however, to the provisions contained in Section XVII, of this Regulation.

Inferior tenures held under similar title deeds will be deemed to confer a similar interest to that provided for putnee talooks in Section III.

IV. If the holder of a putnee talook shall have underlet in such manner as to have conveyed a similar interest to that enjoyed by himself, as explained in the preamble to this Regulation, the holder of such a tenure shall be deemed to have acquired all the rights and immunities declared in the preceding Section to attach to putnee talooks, in so far as concerns the grantor of such under tenure. The same construction shall also hold in the case of putnee talooks of the third or fourth degree.

Zemindar not entitled to refuse to give effect to a transfer.

V. The right of alienation having been declared to vest in the holder of a putnee talook, it shall not be competent to the zemindar or other superior, to refuse to register, and otherwise to give effect to such alienations, by discharging the party transferring his interest from personal responsibility, and by accepting the engagements of the transferee. In conformity however with established usage, the zemindar or other superior shall be entitled to exact a fee upon every such alienation, and the rate of the said fee is hereby fixed at two per cent. on the jumma or annual rent of the interest transferred, until the same shall amount to one hundred rupees, which sum shall be the *maximum* of any fee to be exacted on this account. The zemindar shall also be entitled to demand substantial security from the transferee or purchaser, to the amount of half the jumma or yearly rent, payable to him from the tenure transferred; the condition of furnishing such security on requisition being understood to be one of the original liabilities of the tenure. The above rules shall apply equally to the case of a sale made in execution of a decree or judgment of court, as to all other alienations, but it shall not apply to the case of sale for an arrear in the rent due to the zemindar or other superior, under the rules hereinafter contained. The purchaser at such a sale shall be entitled to have his name registered, and to obtain possession without fee, though of course liable to be called on to give security under the conditions of the tenure purchased.

But may demand his fee.

Fee fixed at two per cent. on the jumma.

But the *maximum* one hundred rupees. May also demand security.

As far as half the jumma.

Above rules to apply to sales in execution and all alienations.

But no fee on sale for arrears.

Zemindar may refuse sanction to transfer, till fee and security be tendered.

Sufficiency of security, if contested, to be determined by appeal to civil court.

VI. It shall be competent to the zemindar or other superior to refuse the registry of any transfer, until the fee above stipulated be paid, and until substantial security to the amount specified be tendered and accepted: provided, however, that if the security tendered by any purchaser or transferee, should not be approved by the zemindar, and the party tendering it shall be dissatisfied with such rejection, he

he shall be competent to appeal therefrom by petition or common motion in the civil court of the district, which authority, if satisfied of the sufficiency of the security tendered, shall issue an injunction on the zemindar to accept it, and give effect to the transfer without delay. It is hereby provided, that the rules of this and of the preceding Section shall not be held to apply to transfers of any fractional portion of a putnee talook, nor to any alienation other than of the entire interest, for no apportionment of the zemindar's reserved rent can be allowed to stand good, unless made under his special sanction.

VII. In case of the sale of a putnee tenure in execution of a judgment of court, if the purchaser do not within the period of one month from the sale conform to the rules of Section V, of this Regulation, in order to obtain the transfer of his tenure by the superior to whom the rent fixed upon it is payable, the zemindar or other superior shall be entitled, of his own authority, to send a suzawul to attach and hold possession of the tenure, until the forms prescribed be observed. In case also of the sale of a putnee tenure for arrears of the rent due upon it, under the rules of this Regulation, if security be required by the zemindar, and the purchaser fail to furnish the same within one month of the date of sale, the zemindar shall similarly be entitled to send a suzawul to attach and hold possession of the interest which may have passed on the sale, to the exclusion of the purchaser, until the prescribed security be given. Attachments made under this Section shall be regarded as trusts for the benefit and at the risk of the purchasers; consequently, after deducting the rent due and the expense of attaching, any surplus that may be yielded by the collections, shall be held in deposit for such purchaser: but if the collections for the time fall short of the rent, the tenure and person of the proprietor shall be liable in the same manner as if no attachment had been made, and the accounts produced by the zemindar or other superior making the attachment, shall be received as *prima facie* evidence to warrant process for an arrear so accruing.

Upon public sale, if security be not tendered within one month, zemindar may attach.

Attachment to have the effect of a trust.

VIII. *First.*—Zemindars, that is, proprietors under direct engagements with the Government, shall be entitled to apply in the manner following for periodical sales of any tenures, upon which the right of selling or bringing to sale for an arrear of rent may have been specially reserved by stipulation in the engagements interchanged, on the creation of the tenure. The exercise of this power shall not be confined to cases in which the stipulation for sale may have been unrestricted in regard to time, but shall apply equally to tenures held under engagements stipulating merely for a sale at the end of the year; in conformity with the practice heretofore allowed by the Regulations in force.

Zemindars to be allowed periodical sales of tenures, in which right to sell for arrears is reserved by stipulation.

Second.—On the first day of Bysakh, that is, at the commencement of the following year from that of which the rent is due, the zemindar shall present a petition to the civil court of the district, and a similar one to the collector, containing a specification of any balances that may be due to him on account of the expired year from all or any talookdars or other holders of an interest of the nature described in the preceding Clause of this Section. The same shall then be stuck up in some conspicuous part of the kucheree, with a notice that if the amount claimed be not paid before the first of Jyte following, the tenures of the defaulters will on that day be sold by public sale in liquidation. Should however the first of Jyte fall on a Sunday or holiday, the next subsequent day, not a holiday, shall be selected instead; a similar notice shall be stuck up at the sudder kucheree of the zemindar himself, and a copy or extract of such part of the notice as may apply to the individual case shall be by him sent, to be similarly published at the kucheree, or at the principal town or village upon the land of the defaulter. The zemindar shall be exclusively answerable for the observance of the forms above prescribed, and the notice required to be sent into the mofussil shall be served by a single peon, who shall bring back the receipt of the defaulter, or of his manager for the same; or in the event of inability to procure this, the signatures of three substantial persons residing in the neighbourhood, in attestation of the notice having been brought and published on the spot. If it shall appear from the tenor of the receipt or attestation in question, that the notice has been published at any time previous to the fifteenth of the month of Bysakh, it shall be a sufficient warrant for the sale to proceed upon the day appointed. In case the people of the village should object or refuse to sign their names in attestation, the peon shall go to the kucheree of the nearest moonsiff, or if there should be no moonsiff, to the nearest thanna, and there make voluntary oath of the same

First sale to be applied for on the first of Bysakh.

Notice to be published that it will take place on the first of Jyte.

Notice to be sent into the mofussil.

Rules for serving it.

having been duly published, certificate to which effect shall be signed and sealed by the said officers and delivered to the peon.

Mid year sale to be applied for on the first of Kartick. *Third.*—On the first day of Kartick in the middle of the year, the zemindar shall be at liberty to present a similar petition, with a statement of any balances that may be due on account of the rent of the current year up to the end of the month of Asin, and to cause similar publication to be made of a sale of the tenures of defaulters, to take place on the first of Aughun, unless the whole of the advertised balance shall be paid before the date in question, or so much of it as shall reduce the arrear, including any intermediate demand for the month of Kartick to less than one fourth, or a four anna proportion of the total demand of the zemindar, according to the kistbundee, calculated from the commencement of the year to the last day of Kartick.

Register to conduct the sale.

**Rules for bidding, &c.
Fifteen per cent. to be paid on sale.**

Or lot to be resold after two hours.

Failing remainder, resale on ninth day after.

Forms to be observed on selling.

**Zemindar to certify balance,
And service of notice in mofussil.**

On his own responsibility.

Tenure to be sold free of incumbrance by act of defaulter.

IX. All sales of saleable tenures applied for under the rules of this Regulation, shall be made in public kucheree by the register or acting register of the civil court, or in his absence by the person in charge of the office of judge or of magistrate of the district, within which the lands may be situated; the land shall be sold to the highest bidder, and every one not the actual defaulter, shall be free to bid, not excepting the person in satisfaction of whose demand the sale may be made, nor the under tenants of the defaulter; fifteen per cent. of the purchase money shall be paid immediately the lot is knocked down, and the officer conducting the sale shall be competent to refuse to accept a bid, or to knock down a lot to any bidder, unless he has assurance to his satisfaction that the amount required to be deposited is in hand for the purpose, or will be produced within two hours. If the fifteen per cent. be not paid in cash or in notes of the Bank of Bengal, within two hours of the sale, or an equivalent amount in government securities be not lodged, the lot shall be resold on the same day, and if the remainder of the purchase money be not paid by noon of the eighth day, notice shall be given of resale on the following day, that is, on the ninth from the first sale, by proclaiming the same by beat of drum through the bazar of the sudder station of the zillah, after which the lot shall be resold at the appointed time at the risk of the first purchaser, who shall forfeit the advance of fifteen per cent. already made, (which shall be in such case regarded as part of the proceeds of the sale,) and be further answerable for any sum in which the proceeds of the second sale may fall short of the antecedent one; such deficiency to be levied by the process for the execution of decrees of the civil courts.

X. At the time of the sale the notice previously stuck up in the kucheree shall be taken down, and the lots be called up successively in the order in which they may be found in that notice. A person shall attend on the part of the zemindar, with a particular statement of the payments made up to the day of sale, on account of the balance of each advertised lot, together with the receipt for, or certificate of the notice directed to be published in the mofussil, nor shall any lot be put up to sale until the statement produced shall have been inspected and the existence of a balance for the year ascertained therefrom, nor until the receipt for the notice shall have been read; the observance of which forms shall be recorded in a separate roobakaree to be held upon each lot sold. If the sale be of the description provided for in the third Clause of Section VIII, of this Regulation, the kistbundee of the defaulter shall likewise be produced, in order that it may be seen that the balance remaining unpaid exceeds a four anna proportion of the demand up to the date of sale; nor shall the sale take place unless this be ascertained. The zemindar shall be exclusively responsible for the correctness and authenticity of the papers to be thus exhibited, nor shall the public officer making the sale be answerable in any respect, except for its fairness and publicity, and for the observance of the rules prescribed for his guidance in this Regulation.

XI. First.—It is hereby declared, that any talook or saleable tenure that may be disposed of at a public sale under the rules of this Regulation, for arrears of rent due on account of it, is sold free of all incumbrances that may have accrued upon it by act of the defaulting proprietor, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by a stipulation to that effect in the written engagements under which the said talook may have been held. No transfer by sale, gift or otherwise, no mortgage or other limited assignment, shall be permitted to bar the indefeasible right of the zemindar to hold the tenure of his creation answerable in the state in which he created it, for

for the rent, which is in fact his reserved property in the tenure, except the transfer or assignment should have been made with a condition to that effect, under express authority obtained from such zemindar.

Second.—In like manner, on sale of a talook for arrears, all leases originating with the holder of the former tenure, if creative of a middle interest between the resident cultivators and the late proprietor, must be considered to be cancelled, except the authority to grant them should have been specially transferred; the possessors of such interests must consequently lose the right to hold possession of the land, and to collect the rents of the ryots; this having been enjoyed merely in consequence of the defaulter's assignment of a certain portion of his own interest, the whole of which was liable for the rent.

No under-lease to stand after sale.

Third.—Provided nevertheless, that nothing herein contained shall be construed to entitle the purchaser of a talook or other saleable tenure intermediate between the zemindar and actual cultivators, to eject a khodkast ryot, or resident and hereditary cultivator, nor to cancel *bona fide* engagements made with such tenants by the late incumbent, or his representative, except it be proved in a regular suit, to be brought by such purchaser, for the adjustment of his rent, that a higher rate would have been demandable at the time such engagements were contracted by his predecessor.

Exception in favour of *bona fide* engagements with ryots.

XII. The rules of the preceding Section being declaratory of the principle to be observed on all occasions, wherein saleable tenures are made responsible for the zemindar's reserved rent, will equally apply to the case of talooks heretofore sold, as to those that may be sold henceforward, if the sale shall have been fair, and the process observed in conducting it shall have been that recognized and in use in the district at the time of selling. Nothing however herein contained shall operate to the prejudice of any agreement, express or implied, now subsisting between the purchaser of a talook and the lessees of his predecessor. Neither shall the rule for the fall of under tenures be considered to apply to any private transfer by a talookdar of his own interest, nor to a public sale in execution of a decree, nor to the case of a relinquishment by the talookdar in favour of the zemindar, nor to any act originating with the former holder, other than default as aforesaid; all such operations involve only a transfer of the tenure in the state in which it may be held at the time, and the new incumbent succeeds to no more than the reserved rights of the former tenant, such as they may be, and is of course subject to any restriction put upon the tenure by his act.

Above rule to take effect retrospectively.

Proviso.

But not to apply to private transfers.

XIII. *First.*—With reference to the injury that may be brought upon the holder of a talook of the second degree, by the operation of the preceding rules, in case the proprietor of the superior tenure purposely withholds the rent due from himself to the zemindar, after having realized his own dues from the inferior tenantry, it is deemed necessary to allow such talookdars the means of saving their tenures from the ruin that must attend such a sale, and the following Rules have accordingly been enacted for this purpose.

Reason for allowing under-tenants a means of staying sale.

Second.—Whenever the tenure of a talookdar of the first degree may be advertised for sale in the manner required by the second and third Clauses of Section VIII, of this Regulation, for arrears of rent due to the zemindar, the talookdars of the second degree, or any number of them, shall be entitled to stay the final sale, by paying into court the amount of balance that may be declared due by the person attending on the part of the zemindar on the day appointed for sale; in like manner they shall be entitled to lodge money antecedently, for the purpose of eventually answering any demand that may remain due on the day fixed for the sale, and should the amount lodged be sufficient, the sale shall not proceed, but after making good to the zemindar the amount of his demand, any excess shall be paid back to the person or persons who may have lodged it.

Manner of doing so.

By lodging the advertised balance.

Third.—If the amount so lodged shall be rent due by the inferior talookdar to the holder of the advertised tenure, the same shall be stated at the time of making the deposit, and the amount shall be carried to the account of the tenant or tenants lodging it, and be deducted from any claim of rent that may at the time be pending, or be thereafter brought forward against him or them by the proprietor of the advertised tenure, on account of the year or months for which the notice of sale may have been published.

In case of rent due being lodged.

Credit to be given

In case of advance from private funds.

To have the effect of mortgage.

Defaulter how to recover possession.

Sale not to be stayed except the arrear claimed be lodged.

But action to lie for its reversal.

Summary investigation may be applied for by defaulter.

But not to stay sale without deposit.

Rules for purchasers obtaining possession.

Zemindar to give transfer on security being furnished, if required.

Remedy in case of delay.

Proviso.

Fourth.—If the person or persons making such a deposit, in order to stay the sale of the superior tenure, shall have already paid the whole of the rent due from himself or themselves, so that the amount lodged is an advance from private funds, and not a disbursement on account of the said rent, such deposit shall not be carried to credit in, or set against future demands for rent, but shall be considered as a loan made to the proprietor of the tenure preserved from sale by such means, and the talook so preserved shall be the security to the person or persons making the advance, who shall be considered to have a lien thereupon, in the same manner as if the loan had been made upon mortgage; and he or they shall be entitled, on applying for the same, to obtain immediate possession of the tenure of the defaulter, in order to recover the amount so advanced from any profits belonging thereto. If the defaulter shall desire to recover his tenure from the hands of the person or persons, who by making the advance may have acquired such an interest therein, and entered on possession in consequence, he shall not be entitled to do so, except upon repayment of the entire sum advanced, with interest at the rate of twelve per cent per annum, up to the date of possession having been given as above, or upon exhibiting proof, in a regular suit to be instituted for the purpose, that the full amount so advanced, with interest, has been realized from the usufruct of the tenure.

XIV. First.—Should the balance claimed by a zemindar, on account of the rent of any under tenure, remain unpaid upon the day fixed for the sale of the tenure, the sale shall be made without reserve in the manner provided for in Sections IX, and X, of this Regulation; nor shall it be stayed or postponed on any account, unless the amount of the demand be lodged. It shall however be competent to any party desirous of contesting the right of the zemindar to make the sale, whether on the ground of there having been no balance due, or on any other ground, to sue the zemindar for the reversal of the same, and upon establishing a sufficient plea, to obtain a decree with full costs and damages. The purchaser shall be made a party in such suits, and upon decree passing for reversal of the sale, the court shall be careful to indemnify him against all loss, at the charge of the zemindar or person at whose suit the sale may have been made.

Second.—In cases also in which a talookdar may contest the zemindar's demand of any arrear, as specified in the notice advertised, such talookdar shall be competent to apply for a summary investigation, at any time within the period of notice; the zemindar shall then be called upon to furnish his kubooleut and other proofs at the shortest convenient notice, in order that the award may, if possible, be made before the day appointed for sale. Such award, if so made, will of course regulate the ulterior process; but if the case be still pending, the lot shall be called up in its turn, notwithstanding the suit; and if the zemindar or his agent in attendance insist on the demand, the sale shall be made on his responsibility, nor shall it be stayed, or the summary suit be allowed to proceed, unless the amount claimed be lodged in cash, or, in Government securities, or in notes of the Bank of Bengal, by the talookdar contesting the demand; and if such deposit be not made, the alleged defaulter will have no remedy, but by a regular action for damages and for a reversal of the sale.

XV. First.—So soon as the entire amount of the purchase money shall have been paid in by the purchaser, at any sale made under this Regulation, such purchaser shall receive from the officers conducting the sale, a certificate of such payment. The purchaser shall then proceed with the certificate in question to procure a transfer to his name in the kucheree of the zemindar, and upon furnishing security, if required, to the extent of half the jumma or annual rent, he shall receive the usual umuldustuk, or order for possession, together with the notice to the ryots and others to attend and pay their rents henceforward to him. The zemindar shall also be bound to furnish access to any papers connected with the tenure purchased, that may be forthcoming in his kutcherec, and should he in any manner delay the transfer in his office, or refuse to give the orders for possession, notwithstanding that good and substantial security shall have been furnished, or tendered, on requisition, the new purchaser shall be entitled to apply direct to the court, and he shall receive the orders for possession, and shall be put in possession of the lands by means of the nazir, in the same manner as possession is obtained under a decree of court: provided, however, that if the delay be on account of the zemindar's contesting the sufficiency of the security tendered, the rule contained in Section VI, of this Regulation, shall be observed.

Second.

Second.—When the new purchaser shall proceed to take possession of the lands of his purchase, if the late incumbent himself, or the holders of tenures or assignments derived from the late incumbent, and intermediate between him and the actual cultivators, shall attempt to offer opposition, or to interfere with the collections of the new purchaser, from the lands composing his purchase, the latter shall be at liberty to apply immediately to the civil court, for the aid of the public officers in obtaining possession of his just rights. A proclamation shall then issue under the seal of the court and signature of the judge, declaring, that the new incumbent having, by purchase at a sale for arrears of rent due to the zemindar, acquired the entire rights and privileges attaching to the tenure of the late talookdar, in the state in which it was originally derived by him from the zemindar, he alone will be recognized as entitled to make the zemindar collections in the mofussil, and no payments made to any other individual will on any account be credited to the ryots or others in any summary suit, for rent, brought under the provisions of Section XV, Regulation VII, 1799, or in any application to stay process by distraint, under the rules of Regulation V, 1812, or on any other occasion whatever, when the same may be pleaded.

In case of opposition.

Proclamation to issue from court.

Third.—Should the late incumbent, or his late under-tenants, continue to oppose the entry of the new purchaser, notwithstanding the issuing of such a proclamation, or should there be reason to apprehend a breach of the peace on the part of any one, the aid of the police officers, and of all other public officers who may be at hand, and capable of affording assistance, shall be given to the new purchaser, on his presenting a written application for the same; and in the event of any affray or breach of the peace occurring, the entire responsibility shall rest with the party opposing the lawful attempt of the purchaser to assume his rights.

In case of further opposition,

Police and all public officers to aid.

XVI. Under tenures held under engagements similar to those executed between the zemindar and putnedar, having been declared not to be voidable for an arrear of the rent fixed upon them in perpetuity, it will be necessary that the person to whom the said rent may be payable, should (in case he be desirous of holding the tenure answerable in the manner provided for by stipulation in the deeds interchanged) proceed according to the rules of Section XV, Regulation VII, 1799, and the general Regulations, to have the sale effected at the end of the year in the same manner as heretofore. But it is hereby provided, that every such sale shall be public, and be conducted by the register or acting register of the zillah court, or in his absence by the person in charge of the office of judge or of magistrate, under the rules of this Regulation, as far as the same may be applicable; ten days notice shall be given of such sales, by advertisement, to be stuck up at the kutcheries of the court and collector.

Under tenures how to be brought to sale for arrears.

XVII. *First.*—The following Rules have been enacted for the disposal of the proceeds of any sale made under the rules of this Regulation.

Rules for disposing of the purchase money of sales for arrears under this Regulation.

Second.—One per cent. shall first be deducted from the net proceeds realized, and shall be carried to the account of Government, for the purpose of meeting the expense of any extra establishments which it may be necessary to maintain, for carrying into effect the provisions of this Regulation.

One per cent. to be carried to the account of Government.

Third.—The balance on account of which the sale may have been made shall next be made good in full (with interest and all charges incurred in bringing the talook to sale) to the zemindar or other person to whom the same may be due: provided however that no former balances, beyond those of the current year (or of that immediately expired, if the sale be at the commencement of the following year), shall be included in the demand to be thus satisfied. Such antecedent balances, if the zemindar shall have omitted to avail himself of the process within his reach, for having them satisfied at the time, will have become in fact mere personal debts of the individual talookdar, and must be recovered in the same way as other debts by a regular suit in the court.

Zemindar's balance and expenses to be next made good.

But not antecedent balances.

Fourth.—Any excess that may remain after satisfying the demand of the zemindar, in the manner above described, shall be forthwith sent by the officer conducting the sale to the treasury of the collector or assistant collector of the district, to be there held in deposit to answer the claims of the talookdars of the second degree, or of others who, by assignment of the defaulter, may be at the time in possession of a valuable interest on the land composing the talook sold, or on any part of it.

Remainder to be sent to the collector's treasury.

To answer claims of under-tenants.

Under-tenants free to prosecute for the price of their interest or compensation.

Payment how to be made from deposit if many claims.

Action not to lie if the under-tenant be himself in arrear at the time of sale.

In case of no claim in two months, or only partial claims, defaulter to receive the excess unclaimed.

Any party interested may substitute Government securities for cash in deposit.

Doubts in the construction of Section XV, Regulation VII, 1799, stated.

And their effects.

After summary suit lodged.

Fifth.—It shall be competent to any one conceiving himself to possess such an interest, to bring forward his claim to the price he may have paid for the same, or for a just compensation for the loss sustained by him in consequence of the sale, by instituting a regular suit at any time within two months from the date of sale. If the court shall on investigation consider the plaintiff's claim to be an equitable one, the court will award to the claimant either the price he may have originally paid, or the value of the interest at the time of sale, or any other amount that may be deemed just and equitable under all the circumstances. If there be more claimants than one, payment shall not be made from the deposit, until the whole of the claims be settled; and in case the value assessed upon the whole should exceed the amount in deposit, such amount shall be divided proportionately, and the remainder stand as a personal debt against the defaulter, to be realized from him by the usual process for the execution of decrees.

Sixth.—Provided however that no talookdar of the second degree, or other possessor of an assigned interest upon the land of the tenure sold, who may be holding under a stipulation for the payment of an annual amount in the way of rent, shall be entitled to recover compensation for the loss of such tenure or assignment upon its becoming cancelled by sale of the superior talook, except after exhibiting proof that the whole amount of the rent demandable from himself has been paid or lodged for the purpose prior to the date of sale.

Seventh.—Should no claims upon the purchase money of a talook, sold as above, be brought forward by any under tenants or assignees, within the period of two months from the date of sale, or should the amount claimed by those who may have sued not equal the entire deposit, the defaulter whose tenure may have been sold, shall be at liberty to petition the court for the amount so held in deposit, or for the excess thereof, as the case may be, and he shall receive a certificate under the seal of the court, of there being no claims to afford ground of detention for the whole or any part of the deposit; and upon exhibiting such certificate to the collector, the amount set free thereby shall be paid to his receipt. In the same manner upon executing a decree passed in favour of any under-tenants or assignees, they shall receive certificates under the seal of the court, declaring the amount adjudged to them out of the deposit, and upon exhibiting these certificates, the amount shall be paid severally to their receipts by the collector.

Eighth.—It shall be competent to any party interested in a deposit, to withdraw the whole or any part thereof, on substituting Government securities, bearing interest, in lieu of the money so held in deposit; such securities to be taken at the rate of discount or premium of the day, as shown by the Government Gazette last received.

XVIII. First.—Doubts have been entertained with respect to the intent and meaning of such part of Section XV, Regulation VII, 1799, as regards the power of attaching the lands of a defaulter, particularly whether the attachment can be made in case the dustuk be not served on the person of the under-tenant from whom the arrear of rent is claimed; moreover it has not been provided in any part of the rules above quoted, nor in any subsequent Regulation, whether or not a decree can be passed after summary investigation of an arrear claimed, in case the process by dustuk shall not have been served on the defaulter. In consequence of these doubts and omissions, under-tenants falling in arrear have been encouraged to make it a practice to evade the process by dustuk, in the confidence that if successful in concealing themselves for a time, the person to whom the rent is due will lose the benefit of his summary application, and be referred to a regular suit, as the only means of recovering his dues, or of obtaining such a judicial award as will enable him to proceed against the property of the debtor. In order to remedy the evils arising from the practice above described, the following Rules have been enacted, in explanation and modification of the Rules of Section XV, Regulation VII, 1799.

Second.—Under the existing rules, proprietors, talookdars or farmers are entitled, with or without making a previous demand upon the under-tenant, to institute a summary suit for any arrear which may be claimed to be due, and to obtain the issue of a process of arrest against the defaulter. It is hereby further provided, that when a summary suit for arrears, alleged to be due, may have been instituted against a talookdar or against a farmer, or against the holder of any other intermediate

intermediate tenure between the zemindar and the actual cultivators, it shall be competent to the party who may have instituted such suit (whether the alleged defaulter shall have been arrested or not), to send a sezawul of his own authority to attach and collect the rents of the actual cultivators immediately from themselves: provided, however, that such power of attachment shall not be exercised, unless the arrear of rent claimed in the summary suit, shall have been actually due for one entire month before the date of attachment, and shall not be less in amount than the entire kist of the month, on account of which the arrear may be claimed.

The right of attaching talooks, farms and similar tenures declared.
With proviso.

Third.—After process of arrest may have been taken out in the usual form, if the return of the nazir be, that after diligent search the party cannot be found, it shall be optional with the plaintiff to move the court by his vakeel or authorized agent to solicit a postponement of the case for a month, in order to cause another process to be served at any time in the course of it, that may afford the chance of securing the person of the defaulter, and then to have a notice issued and the case brought to judgment; or to cause proclamation to be made without such postponement, that after fifteen days from the date of notice, the court will proceed to a summary investigation of the balance, and in case of the non-attendance of the defendant, will pass judgment summarily upon the documents and proofs that may be exhibited by the plaintiff *ex parte*.

Summary decree to pass *ex parte* in case of return non-inventus.

Form to be observed.

Fourth.—When any arrear may be adjudged to be due in the manner above provided, the zemindar or other plaintiff in the suit shall be at liberty to cancel of his own authority any lease, farm or other limited interest intermediate between himself and the actual cultivator, on account of which the rent may have been claimed; but no summary award for arrears shall be considered to warrant the subjecting real property belonging to the defendant, in such an action, to sale in execution, except in cases in which the balance may be due on account of a talook of the description noticed in Section III, of this Regulation, or of any other talook which may have been declared by the Regulations to be liable to sale for arrears; such talook will of course be liable to be sold for the arrears which may have accrued upon it, in the mode prescribed; but if the zemindar or other plaintiff should be desirous of having any other estate, or house, or landed property of a defaulter, brought to sale in satisfaction of his claim of rent, it will be necessary for him to institute a regular suit for the purpose, notwithstanding the existence of the summary award in his favour.

After summary decree zemindar may cancel farms and the like.

No exception against separate real property.

Fifth.—The provisions contained in the second and fourth Clauses of this Section, so far as they relate to the power of attaching and cancelling (under the circumstances therein described) the leases, farms or other limited interests of persons holding intermediately between the proprietor and the actual cultivator, are hereby declared not to extend to khoodkasht ryots or other resident cultivators of the soil. For any arrears which may be alleged to be due from those classes of persons, the party claiming them may proceed at any time during the year by dstraint or by process of arrest and summary suit, under the existing rules; proprietors, talookdars or farmers, however, to whom an arrear of rent may be due at the end of the year from any khoodkasht ryot or other resident cultivators of the soil, are at liberty to institute a summary suit to establish the existence of such an arrear, taking out process of arrest in the usual form. If the defendant shall not attend or cannot be arrested, the forms of process and proceeding prescribed in the third Clause of this Section, shall be considered to be applicable to the case, and any summary judgment previously obtained on account of rent of the year just closed, shall be received as evidence of such arrear, upon the plaintiff's showing that the judgment in question has remained unexecuted. If an arrear shall be adjudged by the court to be due, and the amount shall not be immediately paid into court, the plaintiff shall be authorized by the court to make such new arrangement as he may judge proper for the future management of the lands in question.

Tenures of ryots not to be attached or cancelled for arrears,

except by summary suit at the end of the year.

XIX. In addition to the rules contained in Section XV; Regulation XIX, 1817, it is hereby provided that any zemindar, talookdar, farmer, or other person entitled to receive rent, who may desire to take out summary process against the person of a defaulter, shall be at liberty to make application for the purpose either to the judge of the district within which the land may be situated, or of the district wherein the defaulter may be at the time resident, at his option. In the event of his applying to the

Optional for zemindars to take out arrears from the court having jurisdiction over the tenure.

Or from that of the place of residence.

Process in latter case. the judge of the district, within which the defaulter may not be resident, the process shall be transmitted by dawk to the judge of the district where he may reside, in order to be there served in the usual form. The defaulter, if apprehended, shall be sent over in custody; or if he should not be found, so that the process cannot be served, a return shall be made accordingly, and the deposition of the peon employed shall further be taken, to be sent along with the return for the satisfaction of the judge issuing the process, as to the efforts made to apprehend the defaulter.

A. D. 1819. REGULATION IX.

A REGULATION for amending the existing Rules, with regard to the admission of special Appeals; for requiring in certain cases, from residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the Provincial Courts, in certain cases:—Passed by the Governor General in Council on the 29th October 1819, corresponding with the 14th Kautick 1226 Bengal era; the 26th Kautick 1227 Fussily; the 15th Kautick 1227 Willaity; the 11th Kautick 1876 Sumbut; and the 9th Mohurru 1235 Higeeree.

Preamble.

WHEREAS experience has shown, that it would be conducive to the ends of civil justice, to modify and extend the existing rules, which limit to certain specific grounds, the admission of special appeals by the Sudder Dewanny Adawlut, and by the Provincial Courts of Appeal; and whereas experience has also shown the necessity of requiring previous security for eventual costs of suit, from residents within the limits of the city of Calcutta, who may become parties in an original suit, or respondents in an appeal in any of the Courts of the interior, inasmuch as the existing rules require such security only from appellants, and parties other than appellants, being residents within the city of Calcutta, have in sundry instances evaded the payment of costs due from them under decrees of those Courts; and whereas it is desirable further to facilitate the trial of appeals, from the decisions of the zillah and city registers, which are now cognizable by the judges of the Zillah and City Courts only; and whereas it has been judged expedient, in addition to the functions discharged by the registers of Provincial Courts, to authorize them to try civil suits, which may be referred to them by the judges of the zillahs or cities, within which the cutcherries of the Provincial Courts of Appeal may be situated; the following Rules have been enacted, which are to be in force throughout the territories subject to the Presidency of Fort William, from the date of the promulgation of this Regulation.

Clause I, Section II, Regulation XXVI, 1814, amended.

II. *First*.—The rules contained in Clause first, Section II, Regulation XXVI, 1814, as far as regards the grounds for the admission of special appeals by the Provincial Courts of Appeal and by the Sudder Dewanny Adawlut, are hereby amended as follows.

Under what circumstances provincial courts and sudder dewanny adawlut may admit special appeals.

Second.—In extension of the grounds to which the admission of special appeals is limited by the Clause and Section above quoted, it is hereby declared competent to the Provincial Courts of Appeal, and to the Sudder Dewanny Adawlut, to admit a second or special appeal whenever on a perusal of the decree of the lower Court, from whose decision the special appeal is desired, there may appear strong probable ground, from whatever cause, to presume a failure of justice.

Judges of zillah and city courts may recommend the admission of special appeals to provincial courts, in certain cases.

III. *First*.—It is hereby declared competent to the judge of a Zillah or City Court, in any case in which no further regular appeal is open under the existing Regulations, but in which either of the parties may be desirous of a further special appeal, to certify to the Provincial Court (where the circumstances demand it) that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a further appeal.

Provincial courts may also recommend the admission of special appeals to sudder dewanny adawlut.

Second.—The Provincial Courts are also declared competent to certify similarly, under analogous circumstances, to the Sudder Dewanny Adawlut.

The rejection of a special appeal by a provincial court in cases certified by a

Third.—In the event of a Provincial Court declining under the provisions of the second and following Clauses of Section II, Regulation XXVI, 1814, to admit a second

second or special appeal in a case certified to them as above, from a Zillah or a City Court, and rejecting accordingly the special appeal, such rejection shall not be final, but it shall be competent to the Sudder Dewanny Adawlut, on petition by the party desiring the special appeal, to direct the Provincial Court to admit it, if on a consideration of the grounds which may be exhibited for a special appeal, it shall appear proper to the Sudder Dewanny Adawlut so to direct, under the provisions of Clause first, Section II, Regulation XXVI, 1814, as amended by this Regulation.

zillah or city judge not to be final, but on stated grounds the sudder dewanny adawlut may direct its being admitted.

IV. The Sudder Dewanny Adawlut and the several Provincial Courts, previously to admitting a special appeal on application to them to that effect, are hereby declared competent to call for and peruse any document forming part of the record of the cause which they may deem proper, beside the document or documents presented by the party applying for the special appeal.

The sudder dewanny adawlut and provincial courts empowered to require the production of papers previous to admitting special appeals.

V. No special or second appeal shall be admitted hereafter by a Provincial Court, or by the Sudder Dewanny Adawlut, unless two judges concur in the propriety of its admission under the rules applicable to the case, as amended by this Regulation.

No special appeals to be admitted in the sudder dewanny adawlut or provincial courts, without the concurrence of two judges of a court.

VI. It is hereby declared, that nothing contained in the foregoing Sections is intended to make any alteration in the existing rules with regard to the limitations of time, or with regard to any of the existing forms requisite for the admission of special appeals.

Foregoing rules not to affect the existing Regulations regarding limitations of time or prevailing forms.

VII. *First.*—From and after the promulgation of this Regulation, every person, being a resident of the city of Calcutta, who may desire to institute or defend an original suit, or to defend an appeal in any Zillah, City, or Provincial Court, shall be required to furnish security for all eventual costs of suit, which may be adjudged payable by such person, and shall furnish such security by a surety or sureties residing and possessing property without the limits of Calcutta; such security shall be furnished by a plaintiff within six weeks of the date on which his plaint is filed; and a defendant or respondent shall furnish it within six weeks of the date on which the usual summons is served on him; unless such security be so furnished, the suit of such person, if plaintiff, shall not be proceeded in; if defendant or respondent, he shall not be allowed to defend his suit or appeal, but the cause shall be decided *ex parte* on the statements and proofs of his opponent; and no appeal shall be admitted from the party who may have failed to give the required security, until he shall first have made good the whole of the costs demandable from him in the lower court.

Security for costs in original suits on appeals to be given by residents in Calcutta, who are to provide responsible sureties.

Limitation of time for furnishing security.

Course of proceeding to be followed, if the plaintiff, or the defendant, or respondent, fail to furnish security.

No appeal in such cases to be allowed, until the costs of suit in the lower court have been paid.

Second.—The same rule shall be applicable, and the same mode of proceeding shall be observed, in the event of any person who may have instituted or defended any original suit, or defended an appeal in a Zillah, City or Provincial Court, becoming a resident of Calcutta, before a decree is passed on such suit or appeal, and failing to give the required security within six weeks of its being demanded by the Court, and such demand the Court is hereby required to make immediately on the circumstance becoming known, even though no motion should be made to that effect.

The foregoing rules declared applicable to persons becoming residents of Calcutta pending any suit or appeal.

Third.—It is however provided, that nothing contained in this Section shall be considered applicable to pauper suitors coming within the provisions of Regulation XXVIII, 1814.

But not applicable to persons suing in *forma pauperis*.

VIII. *First.*—In addition to the special powers which, under the provisions of Section IX, Regulation XXIV, 1814, may now be conferred upon zillah and city registers, it is hereby further provided that it shall be competent to the Governor General in Council, on the recommendation of the Sudder Dewanny Adawlut, to invest any person exercising the functions of a register of a Zillah or City Court, with powers to try and determine depending appeals from decisions which may have been passed by another register, on the class of suits specified in Section VIII, of the Regulation above mentioned. The zillah and city judges are hereby authorized to refer to registers so empowered, any suits of the description above adverted to, and such registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance.

Judges of zillah and city courts empowered to refer appealed causes to registers for decision.

Fees.

Second.—No person, however, shall be vested with the power in question who may not have been employed in the judicial department for a period of at least six years, nor shall he be competent to try such appeals except in cases in which the original

Qualification necessary to enable them to decide on such appeals.

original

Prohibition against their hearing appeals in cases decided by their seniors in the service.

original decision may have been passed by a register junior in the service, to the individual on whom the special power in question may be conferred.

Provincial courts empowered to admit and decide on such special appeals.

Third.—The Provincial Courts are empowered to admit a second or special appeal from the decisions which may be passed by registers under the foregoing Clauses of this Section, and such special appeals are to be admitted and tried in the same manner as other special appeals cognizable by the Provincial Courts.

Zillah and city judges empowered to refer suits cognizable by their registers to the registers of provincial courts.

IX. The Judges of the zillahs and cities, within whose jurisdiction the cutcherries of the Provincial Courts may be respectively situated, are hereby authorized to refer to the register of such provincial Court, any original civil suits cognizable by the zillah and city registers, under Section VIII, Regulation XXIV, 1814, and which may be now or hereafter depending in the Zillah or City Courts. In the trial of such suits, the registers of the Provincial Courts will exercise the same powers, and will be guided by the same rules, as those which are applicable to the zillah and city registers generally, and they will also be entitled to the same fees, on the decision of suits, as the zillah and city registers, but they will be careful that the trial of such suits, be not allowed to interfere with their primary duties as registers of the Provincial Courts.

Fees.

Such suits not to interfere with their duties as registers of provincial courts.

A. D. 1819. REGULATION X.

A REGULATION for reducing into one Regulation with alterations and amendments, the Rules at present in force respecting the manufacture, adulteration, importation, transportation and sale of Salt:—Passed by the Governor General in Council on the 7th December 1819, corresponding with the 23d Aughun 1226 Bengal era; the 6th Poose 1227 Fusly; the 24th Aughun 1227 Willaity; the 6th Poose 1876 Sumbut; and the 18th Suffer 1235 Higeree.

Preamble.

WHEREAS rules have from time to time been enacted for the conduct of persons concerned in the manufacture of salt on account of Government, for preventing the illicit manufacture, sale and transportation of salt, and the adulteration of illicit salt with other substances, and for regulating the importation of that article; and whereas it has appeared expedient, with the view of better securing to Government the revenue which it derives from having reserved to itself the exclusive right of manufacturing salt, to revise some of the rules at present in force for the prevention of the illicit manufacture, and transportation of the article, and to vest in the salt agents and superintending officers of chokies, powers of investigating and in certain cases of deciding on suits complaints and informations touching acts done or permitted in violation of this Regulation; and whereas it will tend to the public convenience to consolidate the whole of the rules in force respecting this branch of the public resources into one Regulation, with alterations and amendments; the following Rules have been passed to be in force throughout the provinces of Bengal, Behar, and Orissa, including Cuttack, and in such places within the province of Benares as are hereinafter specifically mentioned, from the date of the promulgation of this Regulation.

Regulations rescinded.

II. The whole of the rules contained in Regulation XXIX, of 1793, Regulation LII, of 1795, Regulation IV, of 1798, Regulation IV, of 1800, Regulation VI, of 1801, Regulation XII, of 1801, Regulation XLVIII, of 1803, Regulation IX, of 1806, and Regulation XXII, of 1814, which are now in force, and have relation either to the conduct of persons concerned in the provision of salt on the public account, the importation, illicit manufacture, sale, purchase, transportation, adulteration or possession of salt, and are not specially re-enacted by this Regulation, are hereby rescinded: provided, however, that the several rules rescinded by the provisions of the Regulations above recited, or any of them, shall be and continue repealed.

Appointment of the Salt Agents and Superintending Officers of Chokies, and Oaths to be taken by those Officers.

The provision of salt by whom to be superintended.

III. The superintendence of the provision of salt, on account of Government, shall continue to be intrusted to covenanted servants of the Company, under the official

official appellation of Salt Agents, and the Governor General in Council reserves to himself the power of varying the number of such officers, according as he may deem fit, and of fixing the stations for their residence at his discretion.

IV. The immediate control over and charge of the several salt chokies at present established, shall, as heretofore, be ordinarily vested in civil servants of the Company, under the denomination of Superintendents of Salt Chokies; but it shall be competent to the Governor General in Council to vest the charge of those chokies or any of them, in any other officer he may judge fit; and the officer so appointed shall have, and exercise the same powers and duties, as it may or shall be lawful for the superintendents of salt chokies to exercise. It shall likewise be competent to the Governor General in Council to order such chokies to be stationed in any district, where he may deem it necessary, with a view to the suppression of illicit transactions in salt, and to vest the superintendence thereof in any officer he may deem expedient: provided, however, that a list of all chokies now established, or which may hereafter be established, shall be stuck up in a conspicuous place, at the office of the Board of Customs, Salt and Opium, and likewise in the cutcherries of the agents and superintendents, under whose control they may severally be placed.

Control over the salt chokies, by whom to be exercised.

V. *First.*—Salt agents, superintendents of salt chokies, and their respective assistants and subordinate officers, shall not, without the special permission of Government, carry on, directly or indirectly, any trade, nor be concerned in any commercial transaction whatever. This prohibition is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe,

Officers employed in the salt department prohibited from carrying on trade.

Second.—Whenever any of the officers above-mentioned shall be desirous of obtaining a special exemption from the operation of the above rule, he shall state in writing the nature of the commercial transactions in which he is engaged, the name or names of the place or places at which they are conducted, and the period for which he may require permission to be engaged in the concern. The orders of Government shall in like manner specify the nature of the concern, in regard to which the exemption may be granted, the name or names of the place or places in which it is to be conducted, and the period at which the interest of such officer in such concern shall cease and determine. And the prohibition aforesaid shall, in respect to all matters, concerns or transactions not so specified, be in full force, in like manner as if no exemption had been granted.

Exemption under special circumstances may be granted by Government.

VI. Salt agents, superintendents of salt chokies, and their respective covenanted assistants, shall, immediately on the promulgation of this Regulation, as well as hereafter, previously to entering upon the execution of the duties of their respective offices, take and subscribe the following oath before the Governor General in Council, or any person whom he shall appoint to administer it.

Oath to be taken by agents, superintendents and assistants.

"I, A. B. appointed do solemnly swear, that I will diligently and faithfully execute the duties of the office of that I will not during the period of my being so employed, directly or indirectly, by myself or others, be concerned in any commercial transaction whatever on my own account, further than I may be specially authorized in that behalf by the Governor General in Council, under Section V, Regulation X, 1819; that I will not directly or indirectly take or receive, or knowingly allow any other person to take or receive, any fee, present, gratuity or advantage whatever, on account of any matter relating to the duties of my office; and that I will not, directly or indirectly, derive any advantage or emolument from my station, excepting such as now is, or may be hereafter authorized by the Governor General in Council. So help me God."

Form of oath.

General Rules for regulating the conduct of Salt Agents and others employed in the provision of Salt.

VII. No persons shall be compelled, under any pretence whatever, to engage in the provision, manufacture, or transportation of salt, either as a contractor, or a labourer, or in any other capacity; and all persons who may engage in the provision, manufacture, or transportation of salt, and may not choose to re-engage, shall be at liberty to relinquish the employment, after performing the engagements into which they may have entered, and to follow any other occupation they may think proper, without hinderance or molestation.

Engagements of individuals in the provision and manufacture of salt to be voluntary, and all compulsion prohibited.

Redress how to be afforded in cases of compulsion by a salt agent.

VIII. If a salt agent shall compel, or use any means, or cause any of his officers or others, to compel any molunghee, byoparry, or other person to receive advances, or to contract for, or engage in the provision, manufacture, or transportation of salt, the Judge of the Dewanny Adawlut, on proof of the charge to his satisfaction, shall adjudge the contract or engagement null and void, and direct the complainant to be discharged, and cause the advances, if any should have been made, to be returned by him, and award such costs and damages against the agent, as may appear to him equitable. The agent so offending shall moreover be liable to be dismissed from his office by the Governor General in Council.

Redress how to be afforded in cases of compulsion by European assistants, or native officers of a salt agency.

IX. If the assistant to a salt agent, whether a covenanted servant of the Company, or an European not in the Company's service, or any native officer attached to a salt agency, shall compel, or use any means, or cause any inferior officer or others to compel any molunghee, byoparry or other person to receive advances, or to contract for or engage in the provision, manufacture, or transportation of salt, he shall on conviction before the Dewanny Adawlut, be made to pay to the complainant a sum equal to the amount of the whole of the advances which such complainant would have been entitled to receive, had he voluntarily entered into the contract or engagement, with any further compensation to which he may appear entitled, and the complainant shall be immediately discharged, and any advances that he may have received shall be taken back from him. In the cases above specified, the party offending shall be liable to be dismissed from office by the Governor General in Council, the Board of Customs, Salt and Opium, or Salt Agent, according as the appointment or removal of such officer, may rest with the one or the other of the said authorities; and in all such cases it shall be the duty of the Court before which such charge may be proved against any agent, assistant to an agent, or officers aforesaid, to report the circumstance to the aforesaid Board.

Such assistants and head officers of aurungs how far responsible for acts of compulsion on the part of officers subject to their authority.

X. Covenanted and uncovenanted assistants, and head officers of aurungs, shall be held responsible for any compulsion that may be used for the purposes specified in the foregoing Section by the gomashtahs, peons and other persons subject to their authority, unless it shall appear that it was had recourse to without their knowledge or connivance, and that they afforded all practicable redress immediately on being apprized of the circumstance; where persons subject to the authority of such assistant or head officer, shall be convicted of using such compulsion without his knowledge or connivance, besides dismissal from office, they shall be liable to the same penalties as are prescribed in the preceding Section for cases in which the native officers attached to a salt agency may be convicted of using compulsion.

Prohibition against compulsion by contractors, molunghees and byoparries.

XI. If any contractor, molunghee or byoparry, having received advances or entered into engagements for the provision of salt, shall be convicted before the Dewanny Adawlut of compelling, directly or indirectly, any labourer, or other person, to receive advances, or to engage in the manufacture, he shall on conviction before the Dewanny Adawlut, be liable to the same penalty, with the exception of dismissal from office, as is directed to be inflicted in the cases specified in Section IX, of this Regulation. And that no contractor, molunghee or byoparry, may plead ignorance of the above rule, a clause to the effect thereof shall be inserted in their contracts.

Salt agents how to be guided in making contracts, advances, &c.

XII. In concluding contracts with molunghees, or byoparries, and others for the provision of salt, in making advances to those persons, and in the general conduct of the duties of their office, the salt agents shall be guided by the practice heretofore observed, and by such further instructions as they may receive from the Board of Customs, Salt and Opium, or from Government.

Rules for subjecting the Officers of Government in the Salt Department to the cognizance of the Civil Courts of Judicature, and for defining the process to be observed in suits in which those officers, and other persons concerned in the manufacture of Salt, on account of Government, may be parties; or in which the attendance of such persons may be required by the Courts of Judicature.

Salt agents and their assistants, and native officers liable to be sued in the dewanny courts, under what circumstances.

XIII. *First.*—The salt agents and their assistants, whether covenanted servants of the Company, or Europeans not in the Company's service, and their native officers, are declared liable to be sued in the manner hereinafter described in the Dewanny Adawlut for any breach of this Regulation, or any other Regulation that may be passed and printed, in the manner directed in Regulation XLI, 1793.

Provided

Provided also, that the rules contained in Regulation II, 1814, shall be applicable to all suits or complaints preferred against salt agents and superintendents of salt chokies, in so far as those officers are amenable to the Civil Courts for acts done in their official capacity; provided however, that the provisions of this Section shall not be held applicable to acts done by salt agents in virtue of the judicial powers vested in them by this Regulation, in regard to fines, confiscations, and other penalties prescribed for illicit manufacture, importation, transportation, sale, purchase, or possession of salt.

Second.—During the manufacturing season, viz. from the middle of the month of October to the middle of July, if any molunghee or labourer, or any other person, who may be employed in the salt manufacture, shall deem himself aggrieved by any act or order of the agent himself, (not being an act or order done under the powers vested in agents by this Regulation, in cases hereafter declared to be judicially cognizable by agents and superintendents of salt chokies) he shall in the first instance state his complaint in person, or by vakeel, to the agent, and in the event of the agent refusing to afford him the required redress, or of his omitting to grant it within a reasonable time, the complainant shall be at liberty to sue him in the Dewanny Adawlut.

Persons employed in the salt manufacture, who may be aggrieved by an act of a salt agent, how to seek redress during the manufacturing season.

Third.—During the manufacturing season, if a molunghee, or labourer, or any other person who may be employed in the salt manufacture, shall deem himself aggrieved by any act of the assistant to the agent, or any officer attached to a salt agency, or by any contractor, molunghee or byoparry, he shall in the first instance state his complaint in person, or by vakeel, to the agent, in order that the agent may give such redress as it may be in his power to afford: but if the agent shall refuse to afford to the complainant the required redress, or omit to grant it within a reasonable time; or if the case be such as that the agent may not have it in his power to redress the injury received, the complainant shall be at liberty to sue in the Dewanny Adawlut the party from whom he may have sustained the injury, or the agent, if the act shall have been done under his orders, and the Court shall hold the party, or the agent, responsible accordingly.

How to seek redress if aggrieved by the act of an assistant or other salt officer, molunghee, &c.

Fourth.—In the cases specified in the two preceding Clauses, the Courts are not to receive the suit of the complainant, unless he shall prove, either by oath or in any other mode which the Court may deem satisfactory, that he made the previous application for redress to the agent, as directed in those Clauses.

Courts not to receive complaints unless the course prescribed above shall have been followed.

Fifth.—In the several cases specified in the second and third Clauses of this Section, the complainant, if the engagements which he may have entered into on account of the manufacture be not completed, shall not quit the place of manufacture, to prosecute his complaint in person, without the permission of the head officer of the aurung under which he may work, or of the agent or assistant, but shall employ a vakeel for that purpose, unless he shall offer to substitute a person to perform his work in his room, and the agent or his assistant, or the head officer of the aurung, shall be of opinion that the work will be equally well performed by the person so offered to be substituted; in which case the agent or his assistant, or officer, shall permit the complainant to depart.

Restrictions with regard to the complainant absenting himself from the place of manufacture, before his engagements have been completed.

Sixth.—The agents are authorized, in cases in which they may deem it advisable so to do, to undertake the defence of any suit that may be instituted in the Dewanny Adawlut against their assistants or any of their officers, or other persons employed by them in the business of the manufacture; but in such cases the agent himself is to be considered as responsible for the decree of the Court.

Agents may defend suits, instituted against their assistants and officers, but at their own risk.

Seventh.—During the months of Sawun, Bhadoon, and Assin, molunghees, labourers, and all other persons having entered into engagements on account of the salt manufacture, or having been employed in it, who may consider themselves aggrieved by any acts done by the agent or his assistant, or any of his officers, or other persons employed by him, in breach of this Regulation, or any other Regulation printed and published in the manner directed in Regulation XLI, 1793, are declared to have the option of suing either in person or by vakeel, the party from whom they may have sustained the injury, in the Dewanny Adawlut, without preferring the previous application for redress, directed in the preceding Clauses of this Section, to be made during the manufacturing season; and further, with a view to insure the molunghees, labourers, and other persons engaged in the manufacture or transportation of salt, speedy redress of injuries they may sustain, the Courts are required

Persons aggrieved at liberty to prosecute in the usual mode during certain parts of the year, without previous application to the salt agent.

And such suits to be brought to trial in preference to others.

Courts prohibited from taking cognizance of acts done by salt agents, in virtue of the judicial powers vested in them.

Courts how to proceed on complaints of molunghees and others, that they were compelled to enter into engagements.

The same course to be followed by salt agents.

Process of courts of justice how to be issued to salt agents and assistants.

Salt officers not liable to be prosecuted for acts of their predecessors.

Suits to be defended by the individuals against whom the prosecution may be instituted.

Exception.

Rules for facilitating the communication between salt agents or their officers and the vakeels of the court.

required to bring the suits instituted by the said persons for injuries sustained by them from the officers aforesaid, to a termination as expeditiously as possible, by trying them in preference to other suits: provided, however, that nothing in the six preceding Clauses shall be construed to empower the Courts of Judicature to take cognizance of acts done by salt agents, in virtue of the judicial powers vested in them by this Regulation, in respect to fines, confiscations and other penalties prescribed for cases of illicit dealings in salt.

XIV. To prevent persons who may voluntarily receive advances and give a receipt for the amount, afterwards declaring that they were compelled to receive the advances, (or in order to get released from their engagement,) the Courts, in the event of any complaint being made to them by or on behalf of a molunghee, labourer, or other person, that he was compelled to receive advances, are directed, excepting in cases in which they may have full and satisfactory evidence before them that compulsion was used, to consider the receipt as evidence *prima facie* of the advances having been voluntarily received, and they shall not release the complainant from his engagements, or prevent his proceeding to the place of manufacture, should he not have proceeded there, nor bring him from thence, should he have repaired thither, until they shall have completed the trial of the complainant, and shall be satisfied that the engagement was compulsive and repugnant to this Regulation. The agents are to apply this rule in similar complaints that may be preferred to them.

XV. When any process or order shall be issued by the Courts of Civil Judicature, or the Magistrates, to a salt agent or his assistant, the judge or the register to the court is to forward it under a sealed cover, addressed to the agent or assistant, and superscribed with his official attestation. The agent, or his assistant, is immediately to acknowledge the receipt of the order or process, by an endorsement to that effect on the back of it, and is to return it under a sealed cover, addressed to the judge or register.

XVI. The agents, their covenanted and uncovenanted assistants, and head officers of aurgings, shall not be liable to prosecution for any official acts of their predecessors. But persons who may be removed from an agency, or an assistantship, or the appointment of head officer of an aurgung, are to carry on in the same manner as if they had continued in office, all suits instituted against them in their official capacity, unless the Board of Customs, Salt and Opium, upon a consideration of the circumstances of the cases, shall deem it advisable to order the agent for the time being to carry on the suits. This rule, however, is not to extend to suits in which an agent, or a covenanted or uncovenanted assistant, or head officer of an aurgung, who may have been removed, shall have been engaged in virtue of the orders from the Board of Customs, Salt and Opium, or the Governor General in Council. All such suits are to be carried on by the agent for the time being at the risk of Government.

XVII. To facilitate the communication between the agents and their assistants, and head officers of aurgings and the vakeels in the Zillah or City Courts, or the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, who may be intrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are permitted to forward free of postage, any instructions which they may have occasion to transmit to the vakeels of those Courts. The instructions are to be enclosed under a sealed cover, directed to the vakeel. The instructions so sealed and directed are to be transmitted under a sealed cover, addressed to the register of the court in which the cause may be depending, and are to be superscribed with the name and the official designation of the person dispatching them, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the Courts to whom the pleading of such suits or appeals may be committed under this Regulation, by persons holding or having held the office of agent, assistant or head officer of an aurgung, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the vakeel, and the judge or the register of the court, is to transmit the papers so sealed in a cover, addressed to the

the person to whom they are to be forwarded, and subscribe the cover with his official signature.

XVIII. In cases in which the Board of Customs, Salt and Opium, may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they shall take upon themselves the superintendence of the prosecution, or defence of any suit or appeal in which they or their officers may be engaged, either in a Zillah or City Court, or Provincial Court of Appeal, or the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit, or appeal, to the agent, or any other officer. And in all such cases, as well as generally in all suits and other matters relating to judicial process, it shall be competent to the said Board to avail themselves of the services of the superintendent and remembrancer of legal affairs, in such manner as they may deem expedient.

Suits may be prosecuted or defended by the board.

With the aid, when requisite, of the superintendent of legal affairs.

XIX. Persons actually employed in the salt manufacture, who cultivate or rent lands, are to pay according to their pottahs or engagements in the same manner as other ryots or renters, and under the same rules and regulations, with the exceptions specified in the second Clause of the following Section, as to the mode of demanding and enforcing payment of arrears during the manufacturing season, which is to be considered as commencing on the first day of Kautic, and ending on the last day of Assar.

Persons engaged in the salt manufacture to pay the rent of lands cultivated or occupied by them like other ryots.

XX. *First.*—To prevent unnecessary interruption to the manufacture, and at the same time that persons employed in it may not withhold the rents justly due from them for lands which they may rent or cultivate, the following Rules are prescribed.

But to prevent interruption to the salt manufacture, and to secure the payment of rents.

Second.—From the beginning of Kautic to the end of Assar, no person under engagements, and employed in the salt manufacture, shall be liable to be arrested for a demand of rent, nor to be summoned to the cutcherry of any proprietor, or farmer of land, or any person holding or entrusted with the collection of the rents, or revenue of lands, or the management thereof, under any pretence whatever. If any such proprietors, farmers, or other persons aforesaid, shall have a claim for or relating to rent on any persons so engaged and employed, and shall be desirous of enforcing it during the period above-mentioned, they shall either distrain for the amount, under the existing regulations for levying distress for the recovery of arrears of land rent, or sue the stated defaulter for it in the Dewanny Adawlut, or state their claim in writing to the agent, who, if he shall deem it expedient so to do, shall cause the stated defaulter to satisfy it himself, and stop the amount by kistbundy from his future advances, so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the agent, and he shall not afford satisfaction for the claim, the claimant must distrain, or commence a civil prosecution as above pointed out. But the salt advances, or implements belonging to the Company in the hands of the defaulter, shall not be held liable for the claim, nor shall they under any pretence whatsoever be distrained, seized, sold, or otherwise disposed of by the claimant or by the court, in satisfaction of his demand.

Certain rules enacted.

XXI. *First.*—Persons instituting suits in the Dewanny Adawlut against any of the officers of the agents, or any individuals under engagements, on account of the salt manufacture, and employed therein, are to specify their being so engaged and employed. If the notice or summons is to be served during the months of Sawun, Bhadoon, and Assin, it shall be served on the defendant, in the same manner, as on other defendants not employed in the salt manufacture. If the notice or summons is to be served between the commencement of Kautic, and the end of Assar, the notice or summons, with a copy of the complaint, shall be enclosed in a sealed cover addressed to the agent, and superscribed with the official signature of the Judge or Register. It shall be at the option of the agent to execute, or to cause one of his officers, or any other person, whom he may think proper, to execute the security required from the defendants, in cases in which such security may be considered necessary, or to leave the party to find the required security; and in the latter case, and in the event of the summons being committed to an officer of the court, if the officer shall entertain doubts of the responsibility of the surety so offered, and the agent shall declare such security to be responsible, the officer shall accept the security. If a requisition of security for appearance should be made, and the agent should not deem it expedient to order any of his officers or any other person to

Forms to be observed in suits instituted against officers, or persons employed in the salt manufacture.

become security, and the defendant himself should not be able to find such security, as the agent may deem responsible, the agent is to cause the party summoned to accompany the officer of the court to the Court, or if the summons shall not have been committed to the charge of an officer, he shall cause him to be conveyed before the Court.

Further rules with regard to the mode of furnishing security for such persons.

Second.—The salt agents are to empower their respective assistants, whether covenanted servants of the Company or European uncovenanted assistants, and also an authorized vakeel of the Dewanny Adawlut, or any other person whom the agents may think it proper to station at the place at which the court may be held, to execute the securities specified in the preceding Clause for persons employed in the salt manufacture. The agents are to be careful to keep the Judge furnished with a list of the persons so empowered, specifying also the place at which they may usually reside; and the Judges are authorized in instances in which they may deem it proper, either from the distance of the place of abode of the agent from the place at which the person to be summoned may reside, or other circumstances, to order the summons to be enclosed to one of the persons so empowered to become security, instead of transmitting it to the agent himself under the first Clause of this Section, in which case such person shall proceed in the manner prescribed to the agent where the summons may be sent immediately to him.

Ditto when a notice or summons may be served in the ordinary form on such person.

Third.—If a suit shall be preferred in the Dewanny Adawlut against any of the officers of the agents, or any person under engagements on account of the salt manufacture, and employed therein, without specifying that he is so engaged and employed, and a notice or a summons shall in consequence be ordered to be served on him in the same manner as on other defendants, between the commencement of Kautic and the end of Assar, the officer serving the notice or summons, on the circumstance of the defendant being so employed being notified to him by the agent or any of his officers, or by the defendant himself, shall deliver such notice or summons to the nearest person empowered to execute securities, whether the agent or his covenanted or uncovenanted assistants, or the head officer of an auring, who shall proceed in the manner prescribed to the agent in Clause first of this Section. If an officer charged with a summons against any person of the above description shall receive the notification of the defendant being employed in the manufacture from the defendant only, and shall entertain doubts of his being so employed; or if he shall not entertain any such doubts, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall in such case carry the defendant with the summons to the person so empowered, and shall not release his person until the required securities have been executed.

Rules of process against such persons when charged with a bailable offence.

Fourth.—In cases in which a person under engagements on account of the salt manufacture, and employed therein, shall be charged before the magistrate with a bailable offence, and the warrant shall be ordered to be served at any period between the commencement of the month of Kautic and the end of Assar, the warrant shall be served in the manner directed in the preceding Clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person, or by vakeel, as the magistrate may think proper, either during or after the manufacturing season, and shall specify the sum for which the security or recognizance for the appearance of the defendant is to be given; the amount of which shall be regulated by the magistrate according to the nature of the offence, and the situation and circumstances in life of the defendant.

Endorsement to be made on process issued under the preceding rules.

Fifth.—In all the cases specified in the preceding Clauses of this Section, the agent or his covenanted or uncovenanted assistants or head officer, through whom the summons or warrant may be served, shall note on the back of it in what manner it has been served, and by whom the security has been executed.

Process on criminal charges of a nature not bailable against such persons.

Sixth.—If a charge shall be preferred to a magistrate against any of the officers of the agents, or any person under engagements on account of the salt manufacture, and employed therein, for an offence that is not bailable, and there shall appear to the magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed at all times in the same manner as upon persons not so engaged or employed. But the officer after securing the offender, is to give notice thereof to the agent, or head officer of the nearest auring, or place of manufacture.

Seventh.

Seventh.—In all cases in which the agents or their head officers, empowered for that purpose, shall become surety under any of the Clauses of this Section for the appearance of any officer or person employed in the salt manufacture, or shall declare any person whom the party summoned may offer as surety to be responsible, the agent is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or where the party himself shall have given the security, and it shall have been declared responsible by the agent or his officers, in the event of the party or such surety, not performing them. It will accordingly be the business of the agents to take care to employ creditable persons only as head officers to superintend the business of the aurungs and to become security, and to furnish them with proper instructions, and to take such security from them as they (the agents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

The agent to be held personally answerable for the performance of the condition of security for appearance, which may be given by himself, or authorized officers, under this Regulation.

Eighth.—Notices to officers or other persons employed in the salt manufacture to appear as witnesses, shall be served during the manufacturing season, in the same manner as if they were parties in the cause; but the Judges are to be careful not to issue notices to such officers or persons, excepting when their attendance shall be necessary; and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the manufacture as short a time as possible.

Notices to witnesses how to be issued, when such witnesses are employed in the salt manufacture.

Ninth.—The agents, their assistants, uncovenanted European and native officers, are declared liable to be sued in the Dewanny Adawlut, should they apply any of the rules in the preceding Clauses of this Section, regarding notices, summonses and warrants issued against persons employed in the manufacture of salt, to persons not *bonâ fide* so employed; and as the rules contained in those clauses are intended only to prevent unnecessary interruptions to the manufacture, where it can be avoided without impeding the course of justice, the Judges and Magistrates are empowered in particular cases, in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any native officer or person in anywise concerned or employed in the salt manufacture, whether he may be a party or a witness in the suit or prosecution, at any time during the manufacturing season, notwithstanding any thing that may be said to the contrary in those Clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases the Judges and Magistrates are to record on their proceedings, their reasons for deviating from the provisions contained in the said Clauses, which are to be considered as the general rules for issuing and executing such notices, summonses and warrants; and in the notice, summons or warrant, they are to specify that it has been specially ordered to be so executed in virtue of the discretionary power vested in them by this Clause, and they are moreover strictly enjoined to refrain from every unnecessary exercise of that power.

Penalty for the improper application of the foregoing rules by salt agents and their officers.

The observance of the rules in question may be dispensed with in special cases by the courts of justice.

But reasons for the deviation to be assigned.

XXII. If a decree shall be passed against a native officer, or any person under engagements on account of the salt manufacture, and actually employed in it, and the Court shall order the decree to be enforced at any time between the commencement of Kautic and the end of Assar, recourse may be had to his property; but his person shall not be attached or molested during that period. At the close, however, of the manufacturing season, the agent shall be responsible for his appearing before the Court, if required, but the salt, or the advances, or any implements belonging to the Company, which may be in his hands shall not be liable for the decree; but during Sawun, Bhadoon and Assin, and also in the manufacturing season, if the salt agent shall signify to the Judge, through an authorized vakeel of the Court, that their attendance is not required in the business of the manufacture, the persons of all such individuals so employed shall be equally liable with their property for decrees.

Decrees against native officers and persons employed in the salt manufacture, how to be executed.

XXIII. Superintending officers of the chokies are to be careful to keep the several Judges and Magistrates, in whose jurisdictions the chokies are stationed, furnished with lists of the chokies, pointing out their situations, and specifying the names of the officers attached to them; and in the event of any change taking place in the situation of a chokey, or among the officers belonging to a chokey, the same shall be immediately notified to the Judge.

Superintendents to furnish to the zillah courts, lists of chokies and officers employed at them.

Rules to be observed on the institution of suits against such officers.

XXIV. Persons instituting suits in the Dewanny Adawlut against any of the officers of the salt chokies, are to specify the nature of their employment; and the notice or summons to be served upon such officers, with copy of the complaint against them, shall be enclosed in a sealed cover to the superintendent of the chokey to which the party may be attached, who will, without delay, cause the notice to be served in the regular manner, or send persons to take charge of the chokey, and cause the party when summoned to accompany the officer of the court to the Court, or if the summons shall not have been committed to the charge of an officer, he shall cause such party to be conveyed before the Court.

Ditto when such persons are charged with bailable offences.

XXV. In cases in which an officer of a salt chokey shall be charged before a magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding Section with regard to the summons, and the party to whom the warrant may be sent under cover, shall cause the officer summoned to give the requisite bail, or immediately to appear in person, or by vakeel, as the magistrate may think proper to require in the warrant.

Or with offences not bailable.

XXVI. If a charge shall be preferred to a magistrate on oath against any of the officers of the chokies, for an offence that is not bailable under the Regulations, and there shall appear to the magistrate sufficient ground for apprehending the persons so charged, the warrant for their apprehension shall be executed at all times in the same manner as upon persons not chokey officers. But the officer of the court, after securing the offender, is to give notice thereof to the superintendent of the chokey to which the offender is attached.

Ditto when summoned as witnesses.

XXVII. Requisitions to officers of the salt chokies to appear as witnesses shall be served in the manner above prescribed in Section XXIV, of this Regulation, but the Judges are to be careful not to summon such officers, excepting when their attendance shall be necessary, and on their appearance they are to have them examined and dismissed with all practicable dispatch, so that they may be absent from their chokies as short a time as possible.

Discretion vested in the courts to deviate from the foregoing rules.

XXVIII. The discretionary power granted by the ninth Clause of Section XXI, of this Regulation, to Judges and Magistrates in special cases of persons concerned in the provision of salt under a salt agent, is hereby declared to be equally vested in those authorities, in regard to persons employed in the chokey department.

Decrees against chokey officers how to be executed.

XXIX. If a decree shall be passed against an officer of a salt chokey, and the Court shall order the decree to be enforced, recourse may be had to his property; but his person, if attached, shall not be removed without previous notice being given to the party under whose superintendence the officer acts, that another person may be immediately deputed to take charge of his place during his absence.

Penalties to which all Persons concerned in or conniving at the illicit manufacture of Salt shall be subject.

Alimentary salt not to be manufactured except on account of Government or with their sanction.

XXX. Alimentary salt shall not be made in the provinces of Bengal, Behar or Orissa, excepting on account of Government, or with their sanction; and all salt made in breach of this Regulation shall be forfeited, and the parties offending shall be liable to the penalties hereinafter prescribed.

Penalty for breach of the above rule.

XXXI. Any person who shall manufacture salt in opposition to the above prohibition, or shall directly or indirectly be concerned in, or in any way encourage or promote such illicit manufacture, shall forfeit for each kalary or salt work established by him or with his connivance, such sum not exceeding rupees five hundred, as may appear reasonable and sufficient with reference to the circumstances of the case and the condition in life of the offender; and each fire or fire place applied, used or prepared for the manufacture of salt, shall be held to constitute a separate kalary within the meaning and intent of this Regulation. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding six months.

Zemindars, farmers, &c. accountable for preventing such illicit manufacture on their estates or farms, &c.

XXXII. All zemindars, talookdars and other proprietors of land, whether malgozary or lakheraj; all sudder farmers and under-renters of land of every description; all dependent talookdars; all naibs, gomastahs, and other local agents; all sezawals, tehsildars and other native officers employed in the collection of the revenue and rents of lands on the part of Government, or the court of wards, are hereby declared accountable for preventing to the utmost of their power, the illicit manufacture

facture of salt within the limits of the estate or farm held or managed by them, and for giving the earliest information to the salt agents, superintendent of salt chokies, and officers in charge of such chokies, whenever it may come to their knowledge that a kalary or salt work has been established, or is about to be established within the estate or farm held or managed by them.

XXXIII. Any landholder or other description of persons above noticed, to whom such responsibility is declared to attach, who may wilfully and knowingly omit to give the information hereby required to the nearest chokey officer, salt agent or superintendent of salt chokies, shall be held to have connived at the illicit manufacture, and the party so offending shall on proof of such neglect be liable to a fine not exceeding five hundred rupees for each and every kalary or salt work established within the estate or farm held or managed by them. If the party offending be an officer of Government, he shall, in addition to the above penalties, be further subject to dismissal from office; provided also, that all zemindars, managing their estates through gomashthas or other agents, shall be subject to the same penalty for any neglect or connivance on the part of such agents as if they had themselves been guilty of the offence.

Penalty for connivance on their own part.

Or on that of their managing agents.

XXXIV. All native officers of Government of whatever description, including all chokeedars, pykes and other officers of village police, are hereby strictly enjoined to assist in suppressing the illicit manufacture of salt, by giving instant information to the authority to whom they are immediately subordinate, whenever it may come to their knowledge that any illicit kalary or salt work has been or is about to be established in any village or villages; and if any officer aforesaid shall neglect to give information as above directed, or shall in any respect connive at the illicit manufacture of salt, such officer shall, besides being liable to dismissal from office, be further subject on conviction to the payment of a fine not exceeding five hundred rupees for each kalary or salt work established or worked with his knowledge or connivance.

All native officers of Government to aid in suppressing such illicit manufacture.

Penalty on failure.

XXXV. Magistrates or other authorities, who may receive information of the establishment of any illicit kalary, shall immediately transmit the information so received to the nearest salt agent or superintendent of salt chokies.

Information received by magistrates of illicit manufacture to be reported to the salt agent or superintendent.

Rules regarding the transportation and sale of Salt.

XXXVI. *First.*—All salt exceeding five seers in quantity, not being salt actually belonging to Government, which may be found within the limits of the salt chokies established in the provinces of Bengal or Orissa, not covered by a rowannah or char chitty, nor protected by a special pass from the Board of Customs, Salt and Opium, shall be held to be contraband, and as such shall be seized and confiscated; and the person or persons in whose possession such salt may be found, as well as the owners thereof, shall be liable to a fine not exceeding five sicca rupees per maund of eighty-two sicca weight to the seer, for each and every maund of contraband salt so seized and confiscated; provided also, that if any dispatch of salt covered by a rowannah or other document aforesaid, shall be laden on more than one boat, or more than one karroo of bullocks, then and in that case there shall be required, in addition to the rowannah or char chitty or special pass, from the Board of Customs, Salt and Opium, a separate chellaun for each and every one of such boats or karroos of bullocks on which the salt may be laden; and any salt found under the above circumstances, unaccompanied with said document, shall be seized and confiscated, together with the boats or bullocks on which it may be laden.

What salt to be considered contraband.

Penalties on owners and possessors of such salt.

Rowannahs requisite.

Penalties in cases when the requisite rowannahs are not forthcoming.

Second.—Rowannahs granted to the purchasers of salt at the public sales shall have affixed to them the seal of the salt office, and the signature of the secretary to the Board of Customs, Salt and Opium, or one of the covenanted assistants attached to that Board; they shall specify the quantity of salt intended to be transported under them, the date of the sale, and number of the lot in part or in full of which the salt is deliverable, the name of the purchaser, the place whence the salt is deliverable, the mode of conveyance, the place to which the salt is to be transported, and the route by which it shall be conveyed; such rowannahs are to be current for only one year from their date, after which they shall be wholly null and void, and shall in no degree protect any salt which they may accompany; provided however, that if the owner of any salt covered by or specified in a rowannah, and which shall not have been consumed or exported beyond the limits of the chokies, shall within the said period of one year apply to the Board of Customs, Salt and

Form and contents of rowannahs.

Rowannahs may be renewed in certain cafes.

Opium, for a renewed rowannah, the Board shall grant such rowannah for a further period of one year, on being satisfied of the existence and identity of the salt; and it shall likewise be competent to the Board aforesaid to grant under similar conditions renewed rowannahs for such further successive periods of one year, as to them shall seem fit, or to refuse the renewal, and on the expiration of the second year from the date of the original rowannah, to pass such orders in regard to the disposal of the salt as they may judge proper, whether the same be lodged in the Company's golahs or otherwise. Renewed rowannahs shall of course contain the same particulars as those specified in the original rowannah above described, with a reference also to the registered number of the said original rowannah.

Rowannahs may be exchanged or divided on application to the board.

Third.—Should the purchaser or proprietor of salt be desirous of dividing the lot, covered by a rowannah or exchange rowannah, into two or more dispatches, of quantities exceeding one hundred maunds each, he shall as heretofore be entitled, on application at the Board of Customs, Salt and Opium, to receive as many exchange rowannahs as he may require, subject to the conditions above specified in the case of renewed rowannahs.

Form and contents of chellauns.

Fourth.—The chellaun in all practicable cases shall be signed by the agent or other European officer in charge of the golahs, as well as by the darogah or other head native officer of the golah station at which the salt shall be delivered. The chellaun shall specify the quantity of salt laden on the boat, vessel or karroo of bullocks, the date of the sale, and number of the lot in part or in full of which the salt is delivered, the name of the original purchaser at the sale, and of the present proprietor of the salt, the number of the rowannah by which the salt is covered, and the total quantity of salt covered by the same, the name of the gomastah who shall receive the salt, of the proprietor of the boat, vessel or karroo of bullocks on which the salt shall be laden, and of the manjec, sarang or sardar in charge of such boat, vessel or karroo, the description, burthen and number of oars of the boat or vessel, and the number of bullocks in the karroo, also the place of destination of the salt.

Form and contents of char chitties.

Fifth.—A char chitty should have affixed to it the signature of the darogah or mohurrir of the salt chokey from whence it was issued, and should specify the quantity of salt covered by it, which quantity must be less than one hundred maunds of eighty-two sicca weight to the seer, and also the time for which it is current, which is never to exceed six months; the char chitties should further specify the number of the rowannah from which the salt is written off, and the limits within which the salt is to be sold.

Char chitties current to what extent.

Sixth.—Char chitties shall be current only within the limits subject to the control of the darogah by whom they shall have been granted, and shall not cover salt in its transit through the chokies subordinate to any other darogah.

Atrafee rowannahs in what cafes to be granted.

Seventh.—Should any person be desirous of consigning or carrying a despatch of salt not exceeding one hundred maunds, being part of a lot covered by a rowannah, renewed or exchange rowannah, to any place beyond the line of the chokies within which the salt may be stored, he shall, on identifying the salt, be furnished by the darogah of the chokies with an atrafee rowannah to protect it in its passage to the place of its destination; the currency of an atrafee rowannah shall in no case exceed the period of six months.

How to be attested and furnished.

Eighth.—The several darogahs shall be supplied with such number of atrafee rowannahs as may be found requisite from the salt office, and all such documents shall, previously to their being issued to the darogahs, be duly registered, signed and sealed by the secretary to the Board of Customs, Salt and Opium, or one of the covenanted assistants attached to the Board, in the mode which is now observed in regard to all rowannahs renewed, and exchange rowannahs.

Chellauns by whom and how to be furnished.

XXXVII. First.—The agents of the different salt divisions and other officers in charge of the honourable Company's salt, shall furnish the proprietors of salt that shall be cleared out from any of the golah stations under their respective charge, or the agents of such proprietor, with a chellaun for every boat, vessel or karroo, or division of bullocks, that may be laden with salt.

Correctness of chellauns by whom to be certified.

Second.—The proprietor of the salt, or the person receiving the same from the golah stations on his account, shall certify at the foot of the chellaun that it has been duly and correctly drawn up.

XXXVIII. All persons in charge of salt are required to keep their chellauns constantly on board of their boats, or vessels, or with the bullocks on which the salt described in the chellauns may be laden, to produce the chellauns at a moment's warning to any officer of Government duly authorized to attach illicit salt, who may demand a sight of them. And it is hereby declared, that any salt laden on any boat, vessel or karroo of bullocks, which may be attached, for which a proper chellaun shall not be instantly produced, or the chellaun accompanying which shall not correspond in every particular with the salt, and also with the rowannah covering the salt, shall be confiscated; and if in any case the rowannah, stated to cover a dispatch of salt, shall not be produced within twenty-four hours after being required by an officer authorized as aforesaid, the salt shall be held to be contraband and confiscated as such, unless the most satisfactory reasons be assigned for the delay in the production of the rowannah; provided also, that in any cases in which a small dispatch of salt conveyed in a single boat, or by a single karroo of bullocks, shall be covered by a rowannah or atrafee rowannah without being accompanied by a chellaun, the rowannah or atrafee rowannah shall always be kept with the salt which it covers, and any delay in producing it on the requisition of an officer authorized to attach illicit salt, shall render the salt which it purports to protect, liable to confiscation, as contraband, unless the cause of the delay be explained; provided also, that in the several cases above specified, the person or persons in whose possession the salt may be found, shall be liable to the same penalty as is prescribed by Section XXXVI, for the illicit possession of salt.

Chellauns, rowannahs and atrafee rowannahs, to be kept with the salt, ready to be produced on demand.

If not so produced, salt liable to confiscation.

XXXIX. Darogahs of salt chokies shall personally examine and coot all dispatches of salt passing their respective chokies, and after having ascertained that the salt and boats and vessels correspond with the description given of them in the respective passes belonging to them, they shall certify the same, together with the date of the examination, on the back of the chellauns. The said darogahs are prohibited from deputing peons or other inferior officers, to execute the duty of cooting and examining the salt, and from causing the chellauns, or other documents by which the salt is covered, in any case, or under any pretence whatsoever, to be removed from on board the boat or vessel containing the salt.

Dispatches of salt by whom to be examined.

XL. No salt which may have been transported beyond the limits of the chokies shall be again brought within those limits, excepting under a fresh rowannah granted specially for the purpose, under the authority of the Board of Customs, Salt and Opium, by the secretary, or some other covenanted officer attached to the Board. Any salt brought within the limits of the salt chokies, in violation of the above prohibition, shall be forfeited; and the parties in whose possession it may be found shall be liable to the penalty prescribed in Section XXXVI, for the illicit possession of salt; provided also, that it shall be competent to the said Board to withhold or grant such rowannahs, as they may in each instance see fit.

Salt transported beyond the limits of the chokies, not to be brought within those limits without fresh rowannahs.

Penalties for breach of the above rule.

XLI. If any person shall attempt to transport within the limits specified in Clause First, Section XXXVI, of this Regulation, by land or by water, under a rowannah, chellaun, renewed or exchange rowannah, atrafee rowannah, or special pass from the Board of Customs, Salt and Opium, a greater quantity of salt than shall be specified in the rowannah, or other document aforesaid, the excess so attempted to be transported, as well as the quantity specified in the rowannah or other document aforesaid, shall, if the surplus be found on weighing to exceed two and a half per cent. on the quantity so specified, be held to be contraband, and shall be seized and confiscated as such; and the gomastah or other person in charge of the salt shall, on proof of the fact, be subject to a fine of ten rupees for every maund of salt in excess of the quantity stated in the rowannah or other document aforesaid.

Dispatches of salt to be held contraband if they exceed the amount designated in the rowannahs or other papers, in more than two and a half per cent.

XLII. In like manner if any quantity of salt, accompanied by a char chitty, shall be found to exceed that mentioned in the char chitty, a fine of ten rupees shall be levied on every maund of salt, so found in excess, from the proprietor.

Penalty if the salt exceed the amount specified in the char chitty.

XLIII. Any person convicted of having fraudulently sold, given or purchased rowannahs, renewed or exchange rowannahs, atrafee rowannahs, chellauns, char chitties or passes, or of having illicitly altered, attested or endorsed such documents, or of having engaged in or connived at clandestine or fraudulent dealings, with respect to rowannahs, renewed or exchange rowannahs, atrafee rowannahs, chellauns, char chitties or passes, for the purpose of smuggling salt, either with the person in

Penalties on persons convicted of falsifying rowannahs and other documents for the purpose of smuggling salt.

whose name the rowannah, or either of the aforesaid documents, shall have been taken out, or with any other person or persons concerned in such transactions, shall forfeit to Government a sum of five hundred sicca rupees on every hundred maunds of salt specified in the said rowannah, renewed or exchanged rowannah, atrafee rowannah, chellaun, char chitty or pass.

Salt boats to be registered by the agents in what cases.

XLIV. All boats, sloops or vessels of any description, employed in transporting from the Company's golahs salt sold or to be sold at the Company's sales, shall be registered by the salt agent of the division to which the boats, sloops or vessels may proceed to receive salt,

Salt not proceeding to the place and by the route prescribed in the rowannah or other papers, to be held to be contraband.

XLV. First.—Salt not proceeding by the route and to the place specified in the rowannah, renewed or exchange rowannah, atrafee rowannah, or chellaun, shall be held to be contraband, although accompanied by a rowannah renewed or exchange rowannah, atrafee rowannah or chellaun; the salt shall be confiscated, and the parties in whose possession it may be found shall be liable to the penalty prescribed in Section XXXVI, for the illicit possession of salt.

Fresh rowannahs therefore must be taken out when the destination of the salt is to be changed.

Second.—All persons therefore who, after taking out a rowannah, renewed or exchange rowannah or atrafee rowannah, for any dispatch of salt, may be desirous of consigning or carrying the salt, or any portion of it, to a place or by a route other than the place or route specified in such documents, shall apply for a fresh rowannah of the same description as the rowannah possessed by them, to the Board of Customs, Salt and Opium, which Board shall grant the same, subject to the general rules above prescribed for renewed rowannahs.

Rules to be observed when any portion of salt covered by a rowannah or other document is sold within the line of chokies.

XLVI. First.—All proprietors of salt covered by a rowannah, renewed or exchange rowannah, special pass, atrafee rowannah or char chitty, who may sell or otherwise dispose of any portion of such salt within the line of the salt chokies, are required daily to certify on the back of the rowannah or other document aforesaid, the quantity sold or disposed of by them, and when practicable they shall as heretofore obtain the attestation of the nearest chokey darogah.

Penalty on failure to observe those rules.

Second.—Any person neglecting or omitting to comply with the above provision, shall be subject to a fine of five rupees for every maund of salt which may be proved to have been sold, and not to have been written off in the manner above directed; and it shall be competent to the salt agent and superintendent to whom information of any breach of this rule may be given, to detain as security for the eventual liquidation of the said fine, two maunds of salt for every maund irregularly sold or disposed of. In like manner persons who may accidentally lose any portion of a dispatch of salt within the said limits, are hereby required under the like penalty, to write off in the manner aforesaid the quantity of salt lost by them, and to obtain the attestation of the nearest chokey darogah as above prescribed.

If the whole be sold within the limits of the chokies, or any part carried beyond the chokies, the document which covered it to be delivered up.

Third.—Should the whole of any dispatch of salt be disposed of within the limits of the chokies, the rowannah, atrafee rowannah or char chitty, covering the salt, shall be delivered up to the darogah of the chokey within which the last parcel of the salt shall have been disposed of; or in the event of the whole quantity of salt covered by any of the aforesaid documents, or any part thereof, being carried out of the control of the salt chokies, the rowannah or other document shall in that case be delivered up to the darogah of the last chokey which the salt may have to pass. It shall be the duty of the darogahs to transmit all rowannahs and atrafee rowannahs which may come into their possession, to the office of the secretary to the Board of Customs, Salt and Opium, in order that they may be there examined and compared.

Penalty when documents may be retained in breach of the foregoing rules.

Fourth.—Any person who, in disregard of this rule, shall retain, or in whose possession any of the aforesaid documents shall be found after the salt for which they were taken out shall have been sold or carried out of the chokey, and who may not be able to account for omitting to surrender them, shall on conviction forfeit to Government the sum of one rupee per maund on the quantity specified either in the rowannah, renewed or exchange rowannah, or atrafee rowannah, which may be in his possession.

Fees to be levied on the issue of certain documents.

Fifth.—Fees shall be levied on the issue of rowannahs and exchange rowannahs as heretofore, at the rates specified in the list of fees annexed to this Regulation; and on the issue of atrafee rowannahs, the chokey darogahs shall levy a fee of four

annas for each, and shall remit the amount of the fees so collected to the salt office, at such times and in such manner as the Board of Customs, Salt and Opium, shall direct.

XLVII. Whenever any dispatch of salt covered by a rowannah, renewed or exchanged rowannah, atrafee rowannah, chellaun or char chittee, shall pass any salt chokey, the rowannah or other document aforesaid shall be endorsed by the chokey darogah previously to its being passed, and if any salt shall be carried past any chokey without the rowannah or other document being so endorsed, the salt shall be liable to seizure and confiscation, in like manner as if it was unaccompanied by a rowannah. Any darogah refusing or delaying, without sufficient cause, to give the requisite endorsement on a rowannah or other of the documents aforesaid covering salt in transit past his chokey, shall be liable to such fine not exceeding five hundred rupees, as may be adequate to the offence, and to the injury sustained: two-thirds to be paid to the owner of the salt, and one-third to be carried to the credit of Government.

Officers of salt chokeys to endorse certain documents.

XLVIII. No salt, not being salt made by or on account of Government, shall be imported by land into any place within the provinces of Bengal, Behar or Orissa; and any person offending directly or indirectly against this prohibition, or knowingly having in his possession any salt so imported within the said provinces, shall, in addition to the confiscation of the salt, forfeit the sum of ten rupees for each and every maund of salt so imported by him, or with his connivance.

Importation of salt by land (not being Government salt) into Bengal, Behar or Orissa, prohibited. Penalties.

XLIX. First.—The transportation by water lower down the river Ganges than Ghazee-pore, or by land or by water to the right bank of the river Caramnassa, of any of the following descriptions of salt, viz. Salumba, Balumba, Bopcha, Sumbur, Doodwara, Lahore, Kasea, Kur, Nula, Namah, Geolia, Paut, or of any salt manufactured or produced in any part of the province of Benares, the ceded and conquered Provinces, or the countries to the north and westward thereof, is hereby strictly prohibited; and any of the said descriptions of salt which shall be transported in the manner and within the places aforesaid, subsequently to the promulgation of this Regulation, or which shall be found within the said places six months after that date, shall be confiscated, together with the boats or vessels, bullocks or carriages, on which the said salt may be laden.

The transportation of certain kinds of salt beyond certain limits, prohibited.

Penalty.

Second.—Proprietors of any of the descriptions of salt specified in the preceding Clause of this Section, which may with their knowledge be transported within the limits therein described (subsequently to the promulgation of this Regulation), or any person in whose possession any of the said descriptions of salt may be found within those limits at the expiration of the period above fixed, shall, in addition to the confiscation of the salt, and the boats, bullocks or other cattle, and the carriages on which the salt may be laden, pay a fine at the rate of ten rupees per maund on the quantity of salt so confiscated.

Further penalties in such cases, on proprietors of such salt.

L. It is further hereby enacted, that no person shall import, transport or store any quantity of the salts described in the preceding Section, exceeding one maund of eighty-two Calcutta sicca weight to the seer, within the distance of eight coss from the limits of the districts of Shahabad or Sarun; and any salt exceeding the above quantity, which shall be found at the expiration of six months from the promulgation of this Regulation, within the tract aforesaid, shall be liable to seizure by the superintendent of salt chokies in Behar, or other officer duly authorized in that behalf by the Governor General in Council, and shall be forfeited to Government.

More than one maund of salt of the descriptions above-mentioned, not to be stored within certain limits.

LI. The exportation of salt by land from the province of Cuttack to Midnapore, or any other district subject to the control of the Bengal Government, is hereby strictly prohibited; and all salt exported from the province of Cuttack, in disobedience to this prohibition, shall be confiscated, together with the boats, vessels, cattle and carriages, which may be used in the transportation on which the same may be laden.

Salt not to be exported by land from Cuttack into Midnapore, or other districts under the Presidency of Fort William.

LII. The exportation of salt by sea from the province of Cuttack, except on account of Government, is hereby strictly prohibited; and any salt attempted to be exported in disobedience to this prohibition, shall be confiscated, together with the boat, doney or other vessel on which the same may be laden.

Nor by sea, except on account of Government.

LIII. Proprietors of salt which may be exported from Cuttack, in violation of the rules contained in the two preceding Sections, shall, on conviction, be subject to a fine of ten rupees for every maund of salt so exported.

In addition to the confiscation of the salt in the foregoing instances, the proprietors to be subject to a fine.

Native officers of Government to suppress the sale, importation, &c. of such illicit salt, under what penalties.

LIV. All native officers of Government of whatever description, and especially all such officers in the districts within which or in the neighbourhood of which salt is manufactured on the public account, or in those in which salt chokies may be established, are specially enjoined, under pain of dismissal from office, and the penalties herein specially provided, to assist in suppressing the illicit sale, purchase, importation, transportation or possession of salt, by seizing the same, if authorized to do so, or if not vested with the power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit sale, purchase, importation, transportation or possession of salt which may come to their knowledge; any magistrate or other officer, to whom such information may be given, shall immediately transmit the same to the salt agent or superintending officer of salt chokies. Any native officer aforesaid, who may neglect to give information in the cases above specified, or who may in any manner connive at the illicit sale, purchase, importation, transportation or possession of salt, shall on conviction be liable to a fine not exceeding five rupees for each and every maund of salt so sold, purchased, imported, transported, or possessed, with his knowledge or connivance.

Penalties on persons conveying contraband salt.

LV. Manjees of boats, dandies, bullock drivers, coolies and other persons who may be convicted of knowingly conveying contraband salt on account of others, shall on conviction be liable to imprisonment for a period not exceeding six weeks, and further to the payment of a fine not exceeding fifty rupees.

Rules for preventing resistance to Officers seizing contraband Salt, and for applying for the assistance of the Police in effecting such seizures.

The offence of resistance to persons authorized to seize salt how punishable.

LVI. Any person who may by force or threats prevent an officer of the salt department, or other officer authorized to attach salt, from effecting the seizure of any salt suspected to be contraband or adulterated, or who may forcibly resist such officer in the execution of that duty, shall be liable on conviction before a magistrate to a fine not exceeding two hundred rupees. Parties offending shall further be liable, in the event of an affray or other breach of the peace occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

In what cases police officers to assist in making the seizure.

LVII. It is hereby further declared and enacted, that if any officer authorized to attach salt, shall have seized or be about to seize any dispatch of salt, on information or suspicion of its being contraband, or shall have effected or be about to effect the attachment of the cattle, carriages or boats used in transporting such salt, and shall have reason to apprehend forcible resistance, such officer shall apply to the nearest darogah to aid him in the execution of his duty; and all darogahs or other officers in charge of thanahs or chokies, to whom such application shall be made, or who may otherwise have reason to apprehend the occurrence of a breach of the peace in consequence of a seizure of salt, shall immediately afford the requisite aid to effect the seizure and preserve the peace.

The police officers are not to judge of the propriety of the measure, but to prevent unnecessary violence.

LVIII. Such seizures shall be made on the responsibility and at the risk of the officers authorized to seize, and the police officers shall not be competent to exercise any discretion in regard to the propriety or otherwise of the seizure which they may be called upon to support, but shall be careful to prevent any unnecessary violence.

Special rules for searching houses and premises.

LIX. The following special Rules shall be observed in cases in which it may be necessary to enter and search dwelling-houses, warehouses, or other premises.

Nature of the information to be given in such cases.

LX. *First.*—In cases where contraband salt shall be suspected to be so deposited, the person giving the information shall, in the first instance, be required to give in to the salt agent, superintending officer of chokies, uncovenanted European assistant, or the head native officer in charge of the aurung or chokey to which he may apply, a written statement, specifying the name of the person in whose house, premises or golah, the salt is concealed, the name of the village or place, and quantity of salt to the best of his knowledge, and generally the grounds of his belief that illicit salt is deposited in the village or place in question; after which, the salt agent or superintending officer of chokies, in the event of there being strong grounds to think that illicit salt is deposited in the premises of such individual, shall proceed to act upon the said information in the following manner.

Second.—The salt agent or superintending officer of chokies (if the information shall have been laid immediately before them) shall swear the informer to the truth of his statement, and make such further inquiries from him on oath as may appear proper; if the salt agent or superintending officer of chokies shall see reason to credit the accuracy of the information, he shall send the informant accompanied by a responsible person of his own department to the nearest police thannah, with a requisition for the darogah, or person in charge thereof, to attend, or to depute a trust-worthy officer of the thannah to be present at the search of the premises, and render any assistance which may be found necessary.

Informer to be sworn and further examined.

If his information be credited, the police officers to be required to attend at the search.

Third.—In cases in which the chokey or head station of an aurung shall be situated at a distance from the sudder station of the agent or superintendent, or in which it may from any other cause be impracticable to lay the information directly before those officers, it shall be competent for the uncovenanted European assistant or head native officer of an aurung or chokey to receive the same, and to carry the informant to the nearest magistrate where the station of the Zillah Court may be more conveniently situated than that of the agent or superintendent; and it shall be the duty of the magistrate in such cases, after taking the deposition of the informant on oath, and otherwise satisfying himself that there are sufficient grounds for believing the information, to issue a warrant to the nearest darogah, authorizing and directing him to assist in the search in the manner above prescribed: provided also, that the magistrates shall in such cases take due precautions to avoid publicity or unnecessary delay.

Mode of proceeding when the information be laid before an European assistant or head native officer of an aurung or chokey.

Fourth.—Should it be found necessary to break open the door of any house or apartment, the darogah or other police officer is to be careful to use the same rules and precautions as are prescribed for his observance by Regulation XX, of 1817, in cases of distraint for rent.

Doors not to be broken open, except in the mode prescribed in cases of distraint for rent.

Fifth.—The agency or chokey officer shall, in all cases of search, transmit to his immediate superior a full report of his proceedings. In like manner the police darogah shall, in all such cases, report his proceedings in due course to the magistrate, and shall at the same time countersign the report of the circumstances to be forwarded by the native officer in the salt department to his official superior.

Salt and police officers immediately to report their proceedings to their respective superiors.

LXI. All officers of the salt department are hereby strictly prohibited from forcibly entering of their own authority, and unaccompanied by a police officer, the house or premises of any individual where contraband salt may be alleged to be concealed, nor shall any house or apartment be broken open on account of illicit salt, except on a statement verified on oath of more than one maund being concealed therein, and no police officer shall assist in any search, except on the requisition of a salt agent or superintendent, or under the warrant of the magistrate.

Prohibition against forcible entry, except in the manner prescribed.

LXII. The officer of the agency or chokey department, bearing a requisition or warrant as aforesaid, and the police officers receiving such requisition or warrant, shall specify in their respective reports the date and exact time when the requisition or warrant was delivered to the latter: and if any delay shall occur in effecting the search, the said officers shall record the circumstances at full length in their respective reports.

Time of delivering a warrant or requisition to the police darogah to be noted.

Penalties and Fines for misconduct of Officers in the Salt Department, Pykars, and others dealing in Salt.

LXIII. Officers of every description in the employment of salt agents, or superintending officers of salt chokies, are prohibited from taking or receiving any fee, gratuity, perquisite or allowance, either in money or effects, under any pretence whatever, from any molunghee or other person employed or concerned in the manufacture of salt; and if any such description of person, subject to the authority of the salt agent or superintending officer, shall be convicted before the zillah or city magistrate, within whose jurisdiction the offence may have been committed, of disobedience to this prohibition, he shall be adjudged by the Court to refund the money or things so taken or received, and besides being dismissed from his office by the officer or authority to which he may be subject, he shall be further liable to imprisonment for any term not exceeding six months, which the Court may judge proper, together with such fine (not exceeding five hundred rupees for every one hundred rupees in amount or value taken or received as aforesaid), as may appear

Penalties on salt officers for receiving fees or gratuities from molunghees or others concerned in the manufacture of salt, or for withholding or appropriating advances.

adequate to his offence: provided also, that the above rule shall be held applicable to any officer entrusted with the payment of advances to the molunghees, who may under any pretence or colour whatsoever, appropriate to his own use the whole or any part thereof, or who may take or require from any molunghee or other person employed or concerned in the manufacture of salt, a receipt or other written acknowledgment for a larger sum of money, than may have been actually paid to him.

Certain officers convicted of embezzling or making away with salt entrusted to their charge to be subject to the punishment inflicted for theft.

LXIV. Officers in charge of salt golahs, or any warehouse or other place in which salt, the property of Government, is stored, who may embezzle any of the salt received into any such golah or place of deposit entrusted to their charge, or who may knowingly permit any salt so received to be carried from such golah or place of deposit, without an order from the agent to whom he is subordinate, or who may so permit to be carried from such golah or place aforesaid a greater quantity of salt than is specified in such order, or who may knowingly grant a receipt for a larger quantity of salt than is received and stored by him, shall be held guilty of theft, and punished accordingly, on conviction before a competent Criminal Court.

Security to be furnished by officers in the salt department having charge of public money, salt or other public property.

LXV. It shall be the duty of salt agents and superintendents of chokies, on appointing any officer to situations involving the charge of public money or the custody of salt, or any other public property, or to the situation of darogah or mohurrir of a salt chokey, to require such officer to furnish two responsible sureties (hazir zaminee and mal zaminee) in such sums as the Board of Customs, Salt and Opium, may direct. Officers already appointed to situations of the above description, and who have not furnished security as aforesaid, shall be required to do so within such period as the Board of Customs, Salt and Opium, may judge proper, and on failure to do so, shall be liable to dismissal from office.

Penalties on salt darogahs when guilty of certain acts.

LXVI. Darogahs in the salt department, who may be convicted of conniving at smuggling, shall, besides removal from office and forfeiture of the amount of their securities, pay a fine of ten sicca rupees on every maund of salt, which shall have passed the chokies, of which they shall respectively be in charge, with their knowledge or connivance: provided also, that the parties shall be liable to imprisonment in the Dewanny gaol, for such period not exceeding six months, as may appear adequate to the offence. Darogahs absent from their stations without leave shall be responsible under the penalty prescribed in the first part of this Section, for any connivance at smuggling, which may be proved against the person to whom the charge of the chokies may be left by them.

Penalties on persons who may purchase or procure salt in an illicit manner.

LXVII. Dealers in salt, pykars or others making advances to molunghees, officers attached to the salt department, or other persons, for the illicit manufacture or delivery of salt, or purchasing or obtaining salt from such molunghees, officers or persons, in an illicit manner, shall on conviction pay a fine of ten sicca rupees for every maund of such salt for which advances shall have been so made, or which shall have been so purchased or obtained, and the salt if seized shall be confiscated.

Penalties on officers or servants in the salt department for certain acts of wilful misconduct.

LXVIII. If any officers or servants employed in the salt department, or any other native officer of Government, shall under any pretence or by any means whatever, directly or indirectly, cause salt to be obtained from the manufacturers or other persons employed in the salt department, otherwise than on account of the Government, or shall cause salt to be manufactured for their own benefit, or knowingly permit such manufacture for the benefit of any other person, the salt so obtained or manufactured shall be confiscated, and the officer or servant so obtaining the salt, or causing the salt to be so manufactured, shall on conviction pay a fine to be calculated at the rate of sicca rupees ten for every maund of salt so obtained or manufactured, and the officer or servant aforesaid shall further be liable to imprisonment for a period not exceeding six months.

In what cases the mohurrirs of chokies to be responsible for the acts of their superiors.

LXIX. In cases in which the darogah shall be declared liable to the penalty specified in Section LXVI, the mohurrir of the chokey shall be considered to have connived with the darogah, and shall pay a fine of two rupees eight annas for every maund of salt illicitly transported, unless it shall appear that such mohurrir was absent with leave from the station at the time when such offence was committed, or that he gave immediate information of the circumstance to the superintendent, and otherwise used his utmost endeavours to cause the seizure of the salt, or was prevented from doing so by some unavoidable cause.

LXX. Molunghees

LXX. Molunghees or others receiving advances for the manufacture of salt on account of Government, who may be guilty of the embezzlement of the salt, for the provision of which they may have received advances from Government, or of otherwise illegally disposing of any salt manufactured by them, shall on conviction be liable to a fine of four rupees per maund of eighty-two sicca weight to the seer for each and every maund of salt embezzled, and the salt so embezzled shall be confiscated. In addition to the above penalty, the offenders shall be imprisoned for a period not exceeding three months.

Penalties on molunghees for embezzling or illicitly disposing of salt.

Rules defining the powers of Officers in regard to the seizure of Salt.

LXXI. First.—The authority to seize salt, and other articles liable to seizure and confiscation, under the rules of this Regulation, shall as heretofore ordinarily, and in virtue of their offices be exercised by salt agents, and superintendents of salt chokies and their assistants, uncovenanted European and subordinate native officers. But the Governor General in Council reserves to himself the power of vesting a like authority in such of the zillah and city magistrates, collectors of land revenue, or officers in charge of the abkarry mehal, collectors and deputy collectors of customs, opium agents and their deputies, and their subordinate officers respectively, as he may deem fit.

What persons authorized to seize salt.

Second.—Provided however, that all uncovenanted European or native officers making a seizure under the powers vested in them by this Regulation, or by the special orders of the Governor General in Council, shall within twenty-four hours after making such seizure communicate their having done so, with a report of the circumstances connected with the seizure, to the authority to which they may be respectively subject, and the magistrate or other officer to whom information of a seizure may be thus communicated, shall immediately transmit the report to the nearest salt agent or superintending officer of salt chokies, to whom all salt so seized shall be delivered.

Cases of seizure to be reported without delay.

LXXII. The salt agents and their officers, the officers of the salt chokies, and officers in the salt department acting under the immediate orders of the Board of Customs, Salt and Opium, being alone empowered to attach of their own authority, and by virtue of their offices, salt which they may know or suspect to have been illegally manufactured, imported, sold or transported, no officers excepting those above described shall seize or detain salt, unless specially vested by Government with authority to that effect.

Officers not authorized to seize salt, strictly prohibited from exercising the power.

LXXIII. Whenever any of the native officers subordinate to a zillah or city magistrate, collector of land revenue, or officers in charge of the abkarry mehal, or a collector or deputy collector of customs, who may be specially authorized by Government to seize salt, shall receive information of any salt not made in the Company's provinces of Bengal or Orissa, on account of Government, having been illegally imported into the said territories, or of salt of any description being transported or stored within the limits of the salt chokies without the proper rowannah, chellaun, char chitties or special pass, or of any salt being manufactured on account of individuals, by molunghees or other persons, at the kalaries or salt works established on account of the Company, or at any kalaries or salt works established by individuals, for the purpose of manufacturing salt on their own account, or that of any other persons, the several officers aforesaid shall, as above directed, transmit immediate notice thereof to the nearest officer in the salt department, empowered to attach contraband salt, and to the magistrate or other functionary to whose immediate orders they may be subject, and shall further be guided by the following rule. If the salt shall be accompanied by a regular rowannah, chellaun, char chitty or special pass, the native officers shall confine themselves to sending the information aforesaid to the nearest officer in the salt department, and to the European functionary to whom they may be subordinate, and to assist in the seizure of the salt either under the orders of their immediate superior, or on application from the officers of the salt department, and shall not seize or detain any salt accompanied by such papers in the first instance of their own authority; but if any dispatch of salt shall be unaccompanied by a rowannah, chellaun, char chitty or special pass as aforesaid, the said officers are empowered, of their own authority, to detain the salt, sending without delay notice of the detention of the salt to their superior, and to the nearest officer in the salt department. Any native officer of Government, (not being an

Native officers not attached to the salt department how to act on receiving information of the illicit manufacture, sale or transportation of salt.

officer attached to the salt department), unless specially authorized to do so, as well as any such officer who, though specially authorized as above, may seize or detain salt, accompanied by a regular rowannah, chellaun, char chitty or special pass, shall be liable to be dismissed from his office, and to be prosecuted for damages in the Dewanny Adawlut by the owner or the holder of such salt.

Officers of the salt department making seizures how to proceed.

LXXIV. The officers of the salt agents and of the superintending officer of salt chokies, and officers acting under the immediate orders of the Board of Customs, Salt and Opium, and all other subordinate officers whatever, making seizures of salt, shall transmit without delay, and by the most expeditious mode of conveyance, a report of the circumstances of the seizure to their immediate superiors. If the officers seizing salt shall omit to forward the required report, or shall make any unnecessary delay in forwarding it, they shall in the event of the salt not being confiscated, be liable to be prosecuted in the Dewanny Adawlut for damages by the proprietor of the salt, and to dismission from office, or in the event of the salt being confiscated, such officers shall be dismissed from office, and forfeit to Government the amount of the reward to which they would have become entitled in consequence of the confiscation of the salt.

Penalty for removing attachments without due authority.

LXXV. First.—All subordinate officers in the salt department are prohibited from removing the attachment from any salt which they may have seized, until they shall have received orders for that purpose from the salt agents, or the superintending officers of the salt chokies, or the Board of Customs, Salt and Opium. Subordinate officers disobeying the rules contained in this Section shall be dismissed from their office, and shall pay a fine of two hundred and fifty sicca rupees for every hundred maunds of salt so released.

Salt agents and superintendents may release seized salt.

Second.—The salt agents, or the superintending officers of the salt chokies, are empowered to order the release of any salt seized by their own officers, or any salt which may have been seized and made over to their officers by the magistrates, collectors of revenue, or other functionary, if on enquiry such salt agents, or superintending officers of salt chokies, shall be of opinion that the salt is not liable to confiscation.

Same powers vested in magistrates, &c. as to salt seized under their authority.

Third.—If salt shall have been seized by the officers, or under the orders of any magistrate, or by the orders of any collector of revenue, or customs or deputy collector, or any officer in charge of the abkarry mehal or opium agent, or his deputy, previously to the delivery of such salt to the officers of the salt department, and such magistrate, collector or other officer aforesaid, shall be of opinion that the salt was seized on false or erroneous information, and that the salt is not liable to confiscation, he is hereby empowered to release the salt.

Communication to be made by magistrates to salt officers or superintendents.

LXXVI. The magistrate shall cause to be communicated in the manner which shall appear to them most convenient to the salt agent or superintending officer of chokies, the particulars of all information received from the police officers, and also of all applications made to those officers, by the officers in the salt department, or by any officer empowered to attach salt, for assistance in the seizure of salt.

Rules for preventing the adulteration of Salt.

Penalties for the adulteration of salt.

LXXVII. Any common or alimentary salt, adulterated by an artificial admixture with the substance called kharee noon, or mixed with phoolkharee noon, puckwa salt, or any description of impure and bitter salt, which may be found in any golah or shop, or in any place whatsoever, shall be confiscated and destroyed; and any salt merchant, or other person selling salt, wholesale or retail, who shall so adulterate it, or shall knowingly sell any salt so adulterated, shall pay a fine calculated at the rate of ten sicca rupees per maund of eighty-two sicca weight to the seer, upon the quantity which may be found so adulterated.

Magistrate to ascertain the fact of adulteration, and to direct the penalties.

LXXVIII. Salt adulterated in any of the modes above stated shall be seized by all officers empowered by this Regulation to seize salt, who immediately on making any attachment or seizure, are required to report the circumstance to the magistrate within whose jurisdiction the attachment may have been made; the magistrate on receiving such report shall, without delay, institute a summary inquiry into the circumstances of the case, and if it shall appear to him that the salt has been adulterated as aforesaid, and is in consequence liable to confiscation, he shall proceed to confiscate it accordingly, and to levy the prescribed fine, commutable, if not paid, to imprisonment in the Dewanny gaol for a period not exceeding six months.

LXXIX. In

LXXIX. In cases of attachment of salt alleged to be adulterated with kharee noon, or any other salt of the description therein specified, the magistrate shall without loss of time ascertain the fact by reference either to the civil surgeon of the station for examination, or to a committee of respectable merchants or dealers in salt, or in any other mode that may appear most likely to elicit the truth.

The fact may be ascertained by reference to what persons.

LXXX. Provided always, that if the proprietor of such confiscated salt, being dissatisfied with the order of confiscation, shall immediately give responsible security for the amount of the penalty, and further within a period of one month shall institute a regular suit in the Dewanny Adawlut against the officer, who may have seized the salt, for damages, in such case the magistrate shall suspend the execution of his order, and stay all further proceedings; but if, at the expiration of one month from the date of the order of confiscation, no suit shall have been instituted by the proprietor of the salt, the magistrate is without further delay to levy the penalty from his security, and otherwise to carry the order of confiscation into full effect.

Proprietor may sue in the civil court, and stay the order for confiscation on giving good security.

LXXXI. In all cases where any proprietor of salt confiscated for being adulterated with kharee noon, or any of the substances aforesaid, may be unable to give the above security for the amount of the penalty, the magistrate upon his being satisfied of the inability of the party to give the security, is hereby empowered to dispense with security, taking from the party bail for his appearance only, to abide the issue of the suit; or in the event of the suit not being instituted within the period prescribed by the preceding Section, to answer in his own person the amount of the penalty, and in the mean time the magistrate shall keep the salt under attachment.

Security may be dispensed with at the discretion of the magistrate.

LXXXII. In all cases in which it may appear that an attachment or seizure has been improperly made by an officer of Government, the proprietor of the salt shall be entitled to recover full damages for all the loss and expense to which he may have been subjected in consequence, by a regular suit in the Dewanny Adawlut.

Damages to be awarded in cases of improper attachment or seizure of salt;

LXXXIII. But should it appear to the Court that there was no just ground for objecting to the order of confiscation, and that the suit has been instituted merely with a view to create delay or for vexatious purposes, it shall be at the option of the Court to impose a fine of fifteen rupees per maund instead of ten rupees, as prescribed in Section LXXVII, of this Regulation: the decision in such case, as well as in all cases in which a regular suit may be instituted, being subject to the existing rules for appeals to the superior Courts.

And fine may be imposed if the suit appear frivolous or vexatious.

LXXXIV. In the event of a regular suit being instituted for the purpose of setting aside the order of confiscation, the salt shall be held under attachment by the Court until a final decision may be passed in the cause.

Salt to be held under attachment pending the suit.

LXXXV. The rules contained in the eight foregoing Sections with regard to the adulteration of alimentary salt with kharee noon, and other description of impure and bitter salt, are hereby declared to be equally applicable to all Pungah salt which may be found within the provinces of Bengal, Behar and Orissa, mixed with Balumbah, Salumbah or other salt, not being salt sold on account of Government, or imported by sea under the provisions of Regulation XV, 1817; excepting that any person who shall hereafter sell, or in whose possession salt of this description may be found, he knowing the same, shall besides the forfeiture of the salt, pay to Government the sum of five sicca rupees for every maund of eighty-two sicca weight upon the quantity which may be so mixed, instead of ten sicca rupees per maund as prescribed in Section LXXVII, in cases of salt being found adulterated with kharee noon or other impure and bitter salt. Provided further, that salt of this description which may be confiscated shall not be destroyed, but be sold without the limits of the provinces of Bengal, Behar and Orissa, in such place and manner as hereinafter prescribed.

The rules contained in the eight foregoing sections extended to certain other cases.

Provido.

Rules regarding the importation of Foreign Salt by Sea.

LXXXVI. Salt imported by sea under the provisions of Regulation XV, 1817, shall, on transportation into the interior of the country, be subject to the same rules as are prescribed for regulating the transit of salt manufactured and sold on account of Government.

Transit of salt imported by sea, how to be regulated.

LXXXVI. The Board of Customs, Salt and Opium, will accordingly cause rowannahs and other necessary documents, to be granted to the importers or owners of such salt, on their producing a certificate from the collector of customs of the payment

Rowannahs and other documents to be furnished, and without such documents to be held con-

contraband and subject to prescribed penalties.

payment of the duty of rupees three per maund, as prescribed in the Regulation aforesaid; and all salt imported by sea, which may be found on *transitu* in the interior of the country unaccompanied by the regular documents, shall be held contraband, and as such be seized and confiscated to Government; and the persons in whose possession such contraband salt may be found, they knowing the same, shall be liable to the penalty prescribed in Section XXXVI, for the illicit possession of salt.

Rules regarding the distribution of Rewards to certain Officers of Government attached to the Salt Department.

Covenanted servants of the Company not to be entitled to rewards for seizing illicit salt.

LXXXVIII. Salt agents, and superintending officers of chokies, and their respective assistants, being covenanted servants of the Company, shall not be entitled to any share of the rewards heretofore received by them, for salt which may have been attached or confiscated by their respective orders, or by their respective officers; this rule shall also be held applicable to salt seized by the aforesaid officers under the provision contained in Regulation XV, 1817.

Rewards to subordinate officers in the salt department.

LXXXIX. First.—All subordinate officers of Government attached to the salt department, who may be concerned in the attachment of salt under the orders of their immediate superiors, or to whom information may be given respecting illicit salt, and who shall in consequence be immediately concerned in the attachment of the salt, shall be entitled to the following rewards:—In cases in which the offenders may be apprehended and convicted, the officers concerned in the seizure shall be entitled to a reward of fifteen per cent. on the value of such salt. In cases in which a seizure simply of the contraband article is effected, the officers concerned in effecting the seizure shall be entitled to a reward of ten per cent. on the value of such salt. The value of the salt, in both cases, to be estimated according to the price at which salt of the same description shall have been sold at the last public sale preceding the seizure.

Further specification of rewards in certain cases.

Second.—If salt shall be attached exclusively by the subordinate officers of Government serving in the salt department, and not upon information, the officers concerned in making such attachments shall be entitled to the following rewards:—In cases in which the offenders may be apprehended and convicted, the officers concerned in effecting the seizure shall be entitled to a reward of thirty per cent. on the value of such salt. In cases in which a seizure simply of the contraband article is effected, the officers concerned in effecting the seizure shall be entitled to a reward of fifteen per cent. on the value of such salt, to be estimated in the mode described in the preceding Clause of this Section.

Rewards to officers not in the salt department.

Third.—All native officers of Government not in the salt department, as well as all other persons whatsoever, who shall furnish information of salt illegally imported, manufactured, transported or possessed within the provinces of Bengal, Behar or Orissa, shall, provided the offender be apprehended and convicted, be entitled to a reward of fifteen per cent. on the value of such salt. In cases in which a seizure simply of the contraband article is effected, the officers and persons above mentioned shall be entitled to a reward of ten per cent. on the value of the salt, which is to be estimated in the mode described in the two preceding Clauses of this Section.

Value of salt how to be estimated in fixing the rewards.

XC. The rewards to be granted under this Regulation on coast salt, or on Saumer, Saulumbah, or any other species of foreign salt, which may be confiscated, shall be calculated on the price at which salt of the same description shall have been sold at the last public sale preceding the seizure, or (if no salt of that description shall have been sold at such sale) if the salt be of a kind the use of which within the provinces of Bengal, Behar and Orissa is prohibited, the Board of Customs, Salt and Opium, shall value the salt at such price as they may deem equitable, and the reward shall be calculated on such valuation.

Confiscated boats, carriages, bullocks, &c. how to be disposed of.

XCI. All boats or carriages on which any contraband or adulterated salt shall be loaded, together with all horses, bullocks or other cattle employed in its transportation, shall be forfeited and sold by public sale, and the proceeds distributed in the following manner; that is to say, one-third part to the informer or informers, one-third part to the officer or officers making the seizure, and one-third to the Government: provided further, that in cases in which a seizure of salt may be made by an officer duly authorized, without the intervention of an informer, such officer shall receive a moiety of the

the proceeds of the boats, carriages or cattle aforesaid, the remaining moiety to be carried to the credit of Government.

XCII. All rewards payable on confiscated salt, in the province of Cuttack, shall be calculated on the selling price at which Government salt of the same description may be disposed of to merchants and individuals in that province, whether the salt be disposed of by public auction, or a ready money sale.

Value of Cuttack salt how to be estimated.

XCIII. Salt of any of the descriptions specified in Section XLIX, of this Regulation, together with all Pungah salt mixed with Salumba, Balumbah or other salt, not being salt sold on account of Government, or imported under Regulation XV, 1817, which may be confiscated, shall be disposed of in such place or places, beyond the limits of Bengal, Behar or Orissa, and in such manner as the Governor General in Council shall direct.

Certain kinds of confiscated salt where to be disposed of.

XCIV. First.—When attachments or seizures of salt adulterated with kharee noon or other salts of the nature described in Section LXXVII, of this Regulation, shall be made wholly by the native officers of Government, and not upon any information furnished to them, they will be entitled to receive one moiety of the fine which may be levied from the offender, agreeably to the rule prescribed in that Section, and the other moiety is to be carried to the account of Government.

Proceeds how to be disposed of.

Second.—If any other person or persons shall give information of salt being so adulterated, to the native officers of Government, and the salt shall be seized in consequence of such information, he or they will be entitled to receive one-third of the fine which may be levied as above prescribed, and the officer who may have made the seizure will be entitled to receive also one-third of the amount, the remaining third is to be carried to the account of Government.

Proceeds how to be disposed of.

Third.—The boats, carriages, &c. on which such adulterated salt may be loaded, together with the horses, bullocks and other cattle, employed in its transportation, shall be forfeited and sold by public sale; and the proceeds of the sale shall be distributed in the manner above-mentioned, for the distribution of the fine levied from the offender.

Ditto of boats, carriages and cattle.

XCV. One-third of all fines which may be levied under the rules contained in this Regulation, excepting in cases specially provided for, shall be paid to the person or persons who shall first inform against the offender, whether the informant be an European uncovenanted or a native officer of Government, or a private individual, and the remaining two-thirds shall be carried to the credit of Government. In like manner in all cases in which the appropriation of the fine may not be specifically provided for, the amount unappropriated shall be carried to the credit of the public account.

Fines levied under this Regulation how to be disposed of.

Judicial Duties of Salt Agents, and Superintending Officers of Chokies.

XCVI. All suits, complaints and informations for the recovery of any fine, or penalty recoverable by Government, or by the informer, on account of the illicit manufacture, sale, purchase, importation, transportation or possession of salt, excepting complaints or charges preferred against public officers for a breach of their official duty, of which the cognizance is specifically reserved to the zillah or city Judges or Magistrates, and excepting cases of adulteration of salt, are hereby declared cognizable in the first instance by the salt agents and superintending officers of salt chokies; any thing in the existing Regulations to the contrary notwithstanding, and the investigation thereof shall be conducted under the following Rules.

What cases connected with this Regulation are judicially cognizable by salt agents and superintending officers of salt chokies.

XCVII. No suit, complaint or information of the nature above-mentioned, shall be admitted or proceeded upon by the salt agent, superintending officer of salt chokies, or other officer vested with the cognizance of the same, unless it shall be preferred within the period of six months after the act, for which the fine or other penalty may be demandable, shall have been committed, excepting in cases in which the same shall be prosecuted on the account of Government, and good and sufficient cause be shown why the suit was not preferred within the period of six months from the commission of the act whereupon the fine or other penalty is demandable.

No suits or complaints to be cognizable by those officers unless preferred within six months after the commission of the act.

XCVIII. Petitions and other papers presented in suits, informations and complaints, preferred under this Regulation before a salt agent or superintending officer

Petitions and papers in cases connected with this Regulation before salt agents and

superintendents need not be written on stamped paper, nor in cases before the courts of judicature under the following provisions of this Regulation. of salt chokies, as well as all papers filed in the Courts of Judicature in cases brought before them under the provisions hereinafter contained, shall not be required to be written on stamped paper, and all engagements contracted between Government, or its officers and individuals, under this Regulation, shall be received and admitted in evidence in the different Courts of Judicature, and by the salt agents and superintending officers of salt chokies, although not written on stamped paper.

Procedure to be observed when information is received of the establishment of illegal kalaries.

XCIX. Upon information being given to any salt agent or superintending officer of chokies, that kalaries or salt works have been illegally established in any village or other place, such officers shall either proceed to the spot in order to satisfy themselves of the fact, or shall depute the darogah of the nearest aurung or chokey, or some other trust-worthy person for that purpose. The darogah or person so deputed, after ascertaining the existence of such illicit kalaries, shall proceed to destroy the works in the most public manner. He shall draw up a full report of the circumstances of the case, attested by the signatures of the most respectable ryots of the village, and transmit it to the salt agent or superintending officer of chokies, with the implements of manufacture, or such other unequivocal proofs of the works having been used for illicit purposes, as he may be able to procure. The officer aforesaid shall at the same time ascertain as far as practicable, all the circumstances of the case, particularly the persons by whom the illicit kalary may have been established or worked, and whether there is reason to believe that any of the persons specified in Sections XXXII, and XXXIV, of this Regulation, were concerned in or connived at the manufacture; and whenever a salt agent, or superintending officer of chokies, shall have strong grounds to believe either from charges preferred or evidence given on oath, or from his own personal knowledge, that an illicit kalary has been established, or that illicit salt is actually in the course of manufacture, contrary to the prohibitions contained in this Regulation, or that any person actually has in his possession a quantity of contraband salt, it shall be competent to the salt agent or superintendent aforesaid, to issue his warrant for the immediate apprehension of the person or persons actually engaged in the manufacture, or having the salt in his or their possession, summoning at the same time any witnesses that may appear necessary.

In what cases a salt agent or superintending officer of salt chokies may issue a warrant.

In what cases those officers are to issue a summons, with or without requisition of security.

Witnesses also to be summoned.

C. In all other cases in which any person may be accused before the salt agent, or superintending officer of salt chokies, of acts rendering him liable to any of the penalties prescribed in this Regulation, the salt agent or superintending officer of chokies, shall issue a summons, with or without requisition of security, to be served by a single chupprassy, requiring the attendance of the person charged either in person or by vakeel, as the case may appear to those officers to require, to answer to the charge; on or before a certain day to be specified in the summons; and if it be necessary to require bail, the extent of the bail shall be stated in the summons, or the officers aforesaid shall at the same time summon such witnesses as may be named by the informer, and as they may judge it necessary to examine in proof of the accusation, together with any witnesses whom the accused may wish to have examined in his defence, to attend at the time appointed for the attendance of the accused.

Inquiry to be prosecuted to a conclusion, with the least practicable delay.

CI. In all cases in which the party accused or suspected may be apprehended under the warrant of the salt agent or superintending officer of salt chokies, or shall attend in person, the investigation by the officers aforesaid shall be commenced immediately on the arrival of the party at their cutcherries, and shall be prosecuted with the least possible delay, consistently with a due inquiry into the facts; and generally all cases of this nature tried before the officers aforesaid under this Regulation, shall, as far as practicable, be proceeded upon on the day specified in the summons for the attendance of the party or his vakeel, unless it shall be necessary to postpone the investigation in order to procure the necessary evidence.

Procedure of salt agents and superintendents in case of evasion of their process.

CII. Should any person charged with any of the offences which have been rendered cognizable in the first instance by salt agents, and the superintendents of salt chokies, under the provisions of this Regulation, fail to attend, either in person or by vakeel, after being served with a summons in the manner hereinbefore described, or should any such person evade the process of a salt agent or superintendent of salt chokies, the salt agent or superintendent of chokies shall then cause notice by proclamation, after the form annexed to this Regulation, to be prepared in the

Persian

Persian and Bengalee languages, one copy of which shall be affixed in some conspicuous place at his own cutcherry, another at the usual residence of the person charged, and separate copies shall be transmitted to the Judge and Magistrate, and to the Collector of the district, to be published by them in their several cutcherries, in the event of the party or parties not attending in person or by vakeel, within the time fixed by such notice; the salt agent or superintending officer shall proceed to investigate and pass a judgment on the case in the same manner as if the party had been present.

CIII. The salt agents and superintending officers of chokies are hereby authorized to summon witnesses, and administer oaths, or cause the execution of solemn declaration in lieu thereof, in respect to all matters brought before them under this Regulation, conformably with the provisions of Section VI, Regulation IV, 1793, and Section II, Regulation I, 1803; provided that if any witnesses shall refuse to take the oath or execute the solemn declaration required from him, he shall be sent to the Judge of the Zillah or City Court, to be confined as prescribed by the Regulations in similar cases.

Powers vested in salt agents as to the administration of oaths, &c.

CIV. The salt agents and superintending officers of chokies in the summoning and the examination of parties and witnesses, and in the general conduct of the investigation shall be guided (except when otherwise prescribed) by the rules in force for the guidance of the magistrates in the trial of persons charged with offences punishable by them; provided however, that in suits brought by any of the officers of Government, the personal attendance or deposition of the prosecutor shall not be required, but the prosecution shall be conducted by any agent or vakeel the prosecutor may choose to appoint for that purpose.

General rules for the guidance of salt agents, &c. in the investigations committed to them.

CV. Under the above provisions the proceedings of salt agents and superintendents of chokies will of course be held in open cutcherry, and those officers while so holding cutcherry, shall be authorized to punish persons guilty of contempt, by a moderate fine not exceeding one hundred rupees.

Proceedings to be held in open cutcherry. And may fine for contempt.

CVI. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a salt agent or superintending officer of chokies under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations in force; and any person causing or procuring another person to commit the offence of perjury as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Persons guilty of perjury and subornation of perjury, before them, subject to the penalties prescribed for that offence.

CVII. Persons resisting any process regularly and legally issued by the salt agents or superintending officers of chokies, in any case depending before them under this Regulation, shall be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV, 1793, under the provisions therein specified.

And resistance of their process how punishable.

CVIII. Whenever any salt agent or superintendent of salt chokies shall have completed the investigation of any case cognizable by them under this Regulation, it shall be their duty to record in a Persian or Bengalee roobakaree, all the material facts of the case, with the evidence by which they may appear to have been proved, and to state at length their own opinion on the case, and the penalty, if any, which in their judgment ought to be imposed.

Salt agents and superintendents to record their judgment on the completion of the investigations.

CIX. Salt agents and superintendents of chokies are authorized to pass a final order of confiscation in all cases in which the quantity of salt subject to confiscation under the provisions of this Regulation shall not exceed twenty maunds of eighty-two sicca weight to the seer, and to carry such orders into effect of their own authority. In like manner, the decision of the aforesaid officers shall be final in all cases in which they may adjudge a party charged before them of any of the offences enumerated in Sections XXXI, XXXIII, XXXIV, XXXVI, XXXVIII, XL, XLI, XLII, XLIII, XLV, XLVI, XLVII, XLVIII, XLIX, L, LI, LII, LIV, LV, LXVI, LXVII, LXVIII, LXIX, LXX, LXXV, LXXVII, and LXXXVI, of this Regulation, to a fine not exceeding fifty rupees.

Decision of salt agents and superintendents to be final in what cases.

X. Whenever a person is charged with any offence against any person under the provisions of this Regulation, it shall be competent to the officer or authority adjudging

finer or penalties adjudged under this Regulation commutable to imprisonment.

ment according to specified scale.

adjudging the same, in case the amount be not discharged, to award a period of imprisonment in commutation, according to the following scale, in addition to such imprisonment as such officer or authority may be especially empowered to adjudge.

If the amount of the fine or penalty do not exceed fifty rupees,—

The term of imprisonment to be awarded in commutation shall not be less than fifteen days, and not more than one month.

If the amount of the fine or penalty exceed fifty or be less than one hundred rupees,—

The term of imprisonment to be awarded in commutation shall not be less than one month, and not more than two months.

If the amount of the fine or penalty exceed one hundred rupees, and be not more than rupees five hundred,—

The term of imprisonment to be awarded in commutation shall not be less than two months, and not more than four months.

If the amount of the fine or penalty exceed five hundred rupees,—

The term of imprisonment to be awarded in commutation shall not be less than four months, and not more than six months.

Salt agents and superintendents how to proceed with persons who may not pay fines adjudged against them not exceeding fifty rupees.

CXI. In cases in which a salt agent or superintendent of salt chokies shall adjudge any person to pay a fine not exceeding fifty rupees, if the fine be not immediately paid, he shall send the party to the Judge of the zillah or city within the jurisdiction of which the offence may have been committed, with a roobakarree stating the purport of the order passed against the person in question, and the Judge shall, on those grounds, give the necessary directions for the execution of the order in the manner prescribed for the execution of orders and decrees of Court, and shall transmit the fine when levied to the treasury of the agent, or superintending officer of salt chokies; provided that in all such cases the roobakarree of the salt agent or superintendent of salt chokies, shall specify the period of imprisonment to which the party shall be subject, in the event of the fine adjudged by them not being paid.

In what cases the final award to be passed by the judge.

CXII. In all cases in which the quantity of salt proposed to be confiscated shall exceed twenty maunds, or in which the salt agents or superintendents of salt chokies shall consider any person liable to pay a fine exceeding fifty rupees, he shall send his proceedings to the Judge of the zillah or city in which the offence may have been committed, or the salt seized, in order that the final award may be made by that authority. The parties in such cases shall, if declared by the judgment of the salt agent or superintendent to be liable to any specific fine or term of imprisonment, be sent over under custody of peons, and the Judge shall on their arrival pass such order for the holding them to bail, or otherwise securing their being in attendance, to abide the final award, as he may deem proper.

Such cases to be brought to an early hearing, judge how to proceed.

CXIII. It shall be the duty of the Judge to have every case so forwarded to him by the salt officers brought to a hearing on the first day of his holding the Civil Court, after the arrival of the proceedings and parties; and after having duly considered the proceedings of the salt agent and superintendent, and heard any thing the party may desire to urge in his defence, the Judge shall be competent to pass an immediate order, either confirming the award of the salt officers (if the investigation on which the same may be founded shall appear to him complete, and the award passed thereon just and proper), or modifying the said award (in case of any irregularity appearing on the face of it), or reversing it (if in his opinion contrary to or not supported by the evidence and facts of the case as borne on the proceedings), or to institute a fresh investigation, and summon any further evidence, or to direct the re-attendance of the witnesses previously examined, as well as to call for any explanations from the officers or parties concerned that he may deem necessary.

The award of the judge to be final, in what cases.

CXIV. If the matter of action or amount of fine adjudged in any case so sent over by the salt officers shall not exceed the sum of five hundred rupees, or if the quantity of salt in jeopardy shall not exceed two hundred maunds of eighty-two sicca weight to the seer, any award passed by a Civil Judge under the preceding Section shall be final and conclusive, and subject to no appeal whatever. If the fine adjudged exceed five hundred rupees, or if the quantity of salt under question exceed two hundred maunds, an appeal shall lie to the Provincial Court on the application

Appeal open to the provincial court in what cases, and in what form.

application of any party interested, or of the salt officers on the part of Government, such appeal to be brought forward by common motion in the Court and to be decided thereupon: provided however, that no such appeal shall be received, unless the application be preferred within the period of six weeks from the date of the decision passed by the zillah or city Judge.

CXV. Whenever any award may be passed by any zillah Judge under the rules of Section CXIII, the Judge shall, if the offence charged be established, proceed to levy the fine or fines, and to commit the parties to gaol in pursuance thereto, under the general rules of the Regulations for the realizing of fines and executing decrees and orders of Court. The Judge shall further communicate to the salt agent or superintendent, whom it may concern, a copy of his final order with as little delay as possible, in order that any salt that may be held under attachment may be dealt with accordingly; provided however, that in any case in which an appeal may be preferred to a Provincial Court, against the decision of a zillah or city magistrate, if the party by whom such appeal may be lodged shall tender sufficient security for the performance of the order of the Provincial Court, the zillah or city Judge shall suspend the execution of his decision, and shall instruct the salt agent or superintendent to keep in deposit the salt which may have been adjudged contraband, until the final award of the Provincial Court be passed. In all such cases it shall likewise of course be competent to the Provincial Court to stay execution of the decree passed by the zillah or city Judge, or to direct the officers in the salt department to keep in deposit the salt which may have been condemned, or the fine realized by the Zillah or City Court.

Judge how to proceed after passing his award.

CXVI. If the award of the Civil Judge shall acquit the parties charged, or adjudge any salt under attachment not to be contraband, the parties shall immediately be released, and the attachment taken off; provided however, that in case the quantity of salt under question shall amount to or exceed two hundred maunds, and an appeal should be lodged or proposed to be lodged by any party interested, the attachment of such salt shall not be taken off, until it shall be seen whether any appeal be so lodged, and what may be the award thereon; but if no appeal be lodged by any party within one month, attachment shall not continue longer.

Parties who may be acquitted by the Judge, to be set at large; and salt adjudged not to be contraband, to be released. Proviso.

CXVII. *First.*—In all cases in which any salt may be forfeited to Government under the rules contained in this Regulation, or in which any person may have been subjected to any of the penalties prescribed in Sections XXXI, XXXIII, XXXIV, XXXVI, XXXVIII, XL, XLI, XLII, XLIII, XLV, XLVI, XLVII, XLVIII, XLIX, L, LI, LIII, LIV, LV, LXVI, LXVII, LXVIII, LXIX, LXX, LXXV, LXXVII, and LXXXVI, of this Regulation, whether the final order shall have been passed by a court of judicature, or by a salt agent or superintendent of salt chokies, it shall be competent to the Board of Customs, Salt and Opium, on application from the party, to call for a report of the circumstances of the case from the salt agent or superintendent by whom it may have been in the first instance investigated, in the manner heretofore practised in respect to seizure made by those officers, and to remit any portion of the fine or penalty which may have been imposed.

General power vested in the board to remit any portion of fines or penalties imposed under certain Sections of this Regulation.

Second.—Provided also, that if in any case the salt agent or superintendent of salt chokies shall not deem it necessary to levy the full amount of the fine to which the party offending may be liable under this Regulation, and the said party shall submit himself by a written ikrarnamah to the decision of the salt agent or superintendent, and shall pray to have judgment passed by those officers without reference to the Courts of Judicature, then and in that case it shall be competent to the salt agent or superintendent, with the sanction of the Board of Customs, Salt and Opium, previously obtained, to pass a final judgment in the case, whatever may be the quantity of salt or amount of fine.

Under certain circumstances salt agents and superintendents, with the sanction of the board, may pass final judgment in cases of larger amount.

Third.—Provided also, that the amount of rewards to be received by informers and the subordinate officers of Government, under the rules contained in this Regulation, shall in all cases be regulated by the value of the salt or other property actually confiscated to Government, or the amount of fine realized.

Rewards to be regulated by the value of property confiscated, or of fines actually realized.

CXVIII. All fines which may be levied by any Judge of a Zillah or City Court, shall on realization be immediately remitted to the salt agent or superintendent of salt chokies, by whom the case may, in the first instance, have been investigated. The superintendents and salt agents shall be guided in the distribution and payment

Fines levied by judge to be remitted to salt agents or superintendents.

ment of the rewards, to which informers and subordinate officers of Government may be entitled under the rules contained in this Regulation, by such general or special orders as they may receive from the Board of Customs, Salt and Opium.

Applications for remission of fines to be written on stamped paper.

CXIX. First.—All applications preferred to the Board of Customs, Salt and Opium, for a remission or mitigation of any fine or penalty imposed by a salt agent or superintendent, or by a court of judicature, shall be written on stamped paper, the value of which shall be regulated as follows :

Value of stamped paper to be used.

Second.—In cases in which the quantity of salt adjudged contraband shall not exceed twenty maunds, or the amount of the fine imposed fifty sicca rupees, the petition to the Board shall be written on stamped paper of the value of two rupees.

Ditto ditto.

Third.—If the quantity of salt be more than twenty maunds, and do not exceed one hundred maunds, or if the fine imposed be more than fifty rupees, and do not exceed rupees two hundred and fifty, the petition shall be written on stamped paper of the value of four rupees.

Ditto ditto.

Fourth.—If the quantity of salt be more than maunds one hundred, and do not exceed two hundred maunds, or if the fine imposed be more than two hundred and fifty rupees, and do not exceed five hundred rupees, the petition shall be written on stamped paper of the value of six rupees.

Ditto ditto.

Fifth.—If the quantity of salt exceed two hundred maunds, or the fine imposed five hundred rupees, the petition to the Board shall be written on stamped paper of the value of eight rupees.

Power of acquittal and release vested in salt agents and superintendents. Subject to proviso.

CXX. Salt agents and superintendents of salt chokies shall be authorized in all cases in which they may consider any charge preferred before them not to be substantiated, to acquit the party accused, and to release the salt or other article which may have been seized : provided however, that if the party accused be an officer in the salt department, it shall be competent to the Board of Customs, Salt and Opium, at any time within three months of the date on which the order of the salt agent or superintendent may have been passed, notwithstanding such acquittal, to direct the superintendent or salt agent to transmit his proceedings to the zillah or city Judge, and the Judge shall proceed to investigate and decide on the case in the same manner as is above prescribed for cases referred to the Court under the Rules of Section CXII, of this Regulation.

Persons sentenced to imprisonment under this Regulation to be imprisoned in the dewanny gaol.

CXXI. All persons sentenced to imprisonment under the provisions of this Regulation, and all persons confined for non-payment of the fines to which they may be liable, shall be confined exclusively in the Dewanny gaol.

Informers liable to what penalties for vexatious and unwarranted complaints.

CXXII. In the event of any charge being preferred against a person under the rules of this Regulation, and of it appearing on investigation before the salt agent or superintendent of salt chokies, that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the part of the informant, it shall be competent for the salt agent or superintending officer of salt chokies to order such informant to discharge the amount of any diet money which may have been paid to the witnesses, and to pay to the party aggrieved damages not exceeding five hundred rupees, as may appear reasonable, or to be confined for a period not exceeding six months. Orders passed under this rule shall be enforced in the same manner as other fines imposed under the provisions of this Regulation.

Reports to be furnished periodically to the board of customs, salt and opium.

CXXIII. It shall be the duty of the Board of Customs, Salt and Opium, to require from the officers under their control, such periodical reports or returns regarding the judgments passed by them, and generally in respect to their discharge of the duty entrusted to them under the provisions of this Regulation, as may appear to that Board best calculated to secure regularity of procedure, and as may enable the Board to judge whether the inquiries held by those officers on the trial of the cases cognizable by them, are duly and speedily conducted, and whether the parties implicated have been exposed to any inconvenience or hardship which might have been avoided ; and it shall be competent to the Board to call for and examine the proceedings of the salt agent or superintending officer of chokies whenever they may judge it necessary or proper to do so.

Powers vested in persons officiating as agents and superintendents.

CXXIV. Whatever judicial powers are declared by this Regulation to be vested in salt agents, and superintending officers of chokies, shall be considered to be likewise vested in all persons appointed to officiate in and exercise the functions of those officers

officers for the time being, and the same powers are hereby declared to be conferred upon the respective assistants of such salt agents and superintending officers of chokies, such assistants being covenanted servants of the Honourable Company, and having been two years in the public service, in cases referred to them for inquiry by their official-superiors: provided however, that in all cases in which such investigations may be delegated by salt agents or superintending officers of salt chokies to their assistants, the final roobukarree recorded by those officers shall be submitted for the approval of the salt agents or superintending officers of salt chokies, who shall be competent to confirm, alter or reverse the judgment therein contained, and no decision passed by the said assistants in such cases shall be carried into effect, until the agent or superintending officer of chokies aforesaid shall have confirmed the same, under his official seal and signature.

Also in the covenanted assistants.

Subject to the revision and final orders of their superiors.

CXXV. It is hereby provided, that it shall be competent to a salt agent or person exercising the functions of salt agent, with the previous sanction of the Board of Customs, Salt and Opium, to refer any informations or other matters, requiring judicial investigation regarding the illicit manufacture, sale, transit, or possession of salt, to the superintending officer of salt chokies, for investigation, whenever the more immediate duties of his office, as connected with the manufacture of salt, may occupy so much of his attention as to render it impracticable for him, without detriment to the public interest, to conduct the inquiry in person, or any circumstances may render it improper or inconvenient, to refer the investigation to his assistant; and the superintending officer of chokies shall, in such cases, observe the same course of proceeding as in regard to suits or complaints originally preferred to himself.

Salt agents may refer certain cases under this Regulation for investigation by superintendents.

CXXVI. If any disputes should arise between a salt agent, a superintending officer of chokies, or any officer of Government, and any person, on any matter relative to the manufacture, provision, transportation, sale, purchase or possession of salt, not provided for in this Regulation, either party is to be at liberty to apply for redress to the Courts of Civil Judicature, and the case shall be tried and decided upon under the general laws, regulations and usages ordinarily observed in the Civil Courts.

Cases not provided for by this Regulation left to the ordinary jurisdiction of the courts of judicature.

APPENDIX.

No. 1.

Form of Proclamation referred to in Section CII, of this Regulation.

WHEREAS a complaint having been lodged against *A. B.* for suffering the illicit manufacture of salt on his estate, a notice of the same was issued on requiring the said *A. B.* to attend within _____ days at this cutcherry, either in person or by vakeel, to answer to the charge preferred against him; and whereas the said *A. B.* has absented himself from his usual place of residence, so as to prevent the notice being served upon him, [or having received the notice, as the case may happen to be], has failed to attend agreeably to the requisition; proclamation is hereby made, that if the said *A. B.* does not appear in person, or by duly authorized mookhtar, on or before _____ the case will be proceeded upon *ex parte*, and the award will be made in the same manner as if the defendant had appeared and answered to the charge.

No. 2.

Table of Fees to be paid by parties taking out Rowannahs, Renewed or Exchange Rowannahs, or Atrafce Rowannahs.

On Rowannahs, renewed or Exchange Rowannahs for Salt.

					Rs.	A.	P.
From 1	- to -	500 maunds	-	-	1.	0.	0.
- 501	- to -	1,000 ditto	-	-	1.	8.	0.
- 1,001	- to -	1,500 ditto	-	-	2.	8.	0.
- 1,501	- to -	2,000 ditto	-	-	3.	0.	0.

	Rs.	A.	P.
From 2,001 - to - 2,500 maunds - - -	4.	0.	0.
- - 2,501 to - 3,000 ditto - - -	4.	8.	0.
- - 3,001 - to - 3,500 ditto - - -	5.	8.	0.
- - 3,501 - to - 4,000 ditto - - -	6.	0.	0.
- - 4,001 - to - 4,500 ditto - - -	7.	0.	0.
- - 4,501 - to - 5,000 ditto - - -	7.	8.	0.
- - 5,001 - to - 5,500 ditto - - -	8.	8.	0.
- - 5,501 - to - 6,000 ditto - - -	9.	0.	0.
- - 6,001 - to - 6,500 ditto - - -	10.	0.	0.
- - 6,501 - to - 7,000 ditto - - -	10.	8.	0.
On every atrafee rowannah a fee of - - -	0.	4.	0.

A. D. 1819. REGULATION XI.

A REGULATION for discontinuing the Coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal Currency of the province of Benares; for altering the Standard of the Furruckabad Rupee, and for defining the Rate at which that Rupee is to be received within the province of Benares:—Passed by the Governor General in Council on the 31st December 1819, corresponding with the 17th Poose 1226 Bengal Era; the 30th Poose 1227 Fussily; the 18th Poose 1227 Willaity; the 15th Poose 1878 Sumbut; and the 13th Rubbee-ul-awul 1235 Higeree.

Preamble.

THE existence of different local currencies in a country, subject to one common authority, must obviously impede that constant intercourse by which its several provinces are necessarily connected, and considerable inconvenience from that cause has been experienced in the intercourse between the several provinces subordinate to this Presidency. Great difficulties, however, oppose the immediate establishment of one currency throughout all those provinces. On the one hand, the Calcutta sicca rupee having been long established throughout the extensive provinces of Bengal, Behar and Orissa, all private engagements have been made in that coin; the land revenue payable by the zemindars, which (with partial exceptions) has been fixed in perpetuity throughout those provinces, as well as the whole of the registered debt of this country, are likewise expressed in the Calcutta rupee; any alteration in its value would therefore occasion great embarrassment and perplexity. On the other hand, the Furruckabad rupee forms the currency of the whole of the ceded and conquered Provinces, and the influence of any change in regard to it would be proportionably important and extensive. In it all payments on account of the public revenue within those provinces are received, and the pay of the troops and of all public establishments therein stationed is discharged, the price of articles of ordinary consumption has necessarily been regulated with reference to the local coin. If therefore the Calcutta sicca rupee were rendered the local currency of those provinces, while Government must of course allow to the zemindars an abatement in their revenue equivalent to the difference between the Calcutta and Furruckabad rupee, and would therefore be compelled to issue the former at its intrinsic value, the troops and other public establishments might be subject, temporarily at least, to considerable loss and inconvenience, by receiving payment in a coin that might not immediately bear its full value in the market, compared with articles of ordinary consumption. It has thence appeared necessary, for the present at least, to maintain the currencies now established in the provinces of Bengal, Behar and Orissa, and in the ceded and conquered Provinces respectively. The legal circulation of the Benares rupee is confined to a single province; that coin has long been issued to the troops and other public establishments as equivalent to the Furruckabad rupee. It circulates generally at par with that rupee when employed beyond the limits of the province of Benares, though exceeding it in value to the extent of two and a quarter per cent. The land revenue of Benares is indeed, like that of Bengal, Behar and Orissa, fixed in perpetuity; and any alteration in the nominal amount of the jumma, being likely to lead to serious misapprehension, Government deem it right, in introducing into Benares the inferior currency of the Western Provinces, to relinquish the claim which they might in strictness assert to the difference

difference between the two rupees, rather than to give the slightest occasion for any doubt or alarm in regard to the stability of an arrangement guaranteed by the public faith. The amount however of the land revenue in question is comparatively limited, and the public advantage likely to result from a simplification of the currencies of those provinces, appears to counterbalance the partial loss which Government must sustain in receiving the Furruckabad rupee at par with the Benares rupee; the adjustment of private engagements in a single province will be comparatively easy, and while the community will be saved from the loss which they have heretofore sustained, whenever they carried the Benares rupee beyond the limits of that province, the difference between the two coins amounting only to two and a quarter per cent. will have little or no perceptible influence on the market price of articles consumed by the lower orders of the people, more especially since the value of the two rupees in copper money has for some time past been equalized. It appears therefore that the discontinuance of the coinage of the Benares rupee, while it will greatly simplify the monetary system of this Presidency, and will otherwise essentially promote the trade and general prosperity of the country, will be attended with little inconvenience, and that only temporary and partial. The Governor General in Council has accordingly resolved to limit the legal currencies in the territories subordinate to this Presidency to two, namely, the Calcutta and the Furruckabad rupee. With the view of still further simplifying the system of coinage in the said territories, and of facilitating the conversion of the above-mentioned currencies, the one into the other, it has been also determined to reduce them to one general standard; so that, though differing in intrinsic value, yet as they will contain the same proportions of pure metal and alloy, no charge for refinance, nor for the trouble of adjusting the standard will be incurred in the coinage of the one currency into the other. To give effect to the above arrangements, and at the same time to fix the rate at which the Furruckabad rupee is to be received in the province of Benares, in liquidation of existing engagements between individuals, the following Rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

II. The coinage of the Benares rupee shall be discontinued from the date of this Regulation.

The coinage of the Benares rupee discontinued.

III. The Furruckabad rupee shall be considered the legal currency of the province of Benares.

The Furruckabad rupee declared to be the legal currency of Benares.

IV. The Furruckabad rupee shall be a legal tender in all the territories under the Bengal Government, with the exception of Bengal, Behar and Orissa, whether struck at the mints of Calcutta, Benares or Furruckabad, or at any other mint that may be hereafter established within the aforesaid limits, under the authority of the British Government.

Such rupee to be a legal tender in all places under this Presidency, with exception to Bengal, Behar and Orissa.

V. The Furruckabad rupee to be struck at any of the mints before-mentioned shall be of the value of the present Furruckabad rupee, and of the standard of the present Calcutta rupee; that is to say, it shall be of the following weight and fineness:

Specification of the value and standard of the new Furruckabad rupee.

Weight	-	-	-	-	-	Troy Grains	180,234
Pure Silver	-	-	-	-	-	-	165,215
Alloy	-	-	-	-	-	-	15,019

Being 11-12th pure, and 1-12th alloy.

VI. Individuals bringing bullion for coinage into the new Furruckabad rupee, to either of the mints above specified, shall have it so coined, agreeably to the rates of charge and produce stated in the accompanying table.

Rates of charge for coining bullion.

VII. Individuals bringing to the same mints, Calcutta, Benares or Furruckabad rupees, either of the old or new coinage, but coined at one of the Honourable Company's mints, shall have them converted into the new Furruckabad rupee, at a total charge of no more than one per cent.

Rate of charge on the re-coinage of rupees.

VIII. Government will receive Furruckabad rupees of the old or new standard, at par with the present Benares rupee, in payment of the land revenue, and in liquidation of all other public demands, and will pay them at the same valuation within the province of Benares.

At what rate Government engage to receive and pay the old and new Furruckabad rupee, in the province of Benares.

IX. The preceding rule shall not apply to bills payable in Benares rupees, and drawn previously to the 1st March 1820, nor to sums due to individuals under specific engagements in Benares rupees, contracted previously to that date.

The preceding rule declared inapplicable in certain cases.

All money engagements in Benares entered into after the 1st March 1820, to be expressed and paid in Furruckabad rupees.

X. Bonds or other engagements, and all agreements, written or verbal, which may be entered into within the province of Benares after the 1st March 1820, shall be expressed in Furruckabad rupees, and if any such deed or agreement shall stipulate for the payment of Benares rupees, such stipulation shall not be enforced by the Courts of Judicature, but the amount shall be payable in Furruckabad rupees, at par with the Benares rupee.

Rate at which payments are to be made when engagements are dated prior to the 1st March 1820.

XI. With regard to engagements entered into previously to the 1st of March next, the Furruckabad rupee shall be held a legal tender, at the rate of 102½ Furruckabad rupees for 100 Benares rupees.

Former rules, if not rescinded by this Regulation, to remain in force.

XII. All the rules affecting the coinage of the mints of Benares and Furruckabad, which are not abrogated by the foregoing enactments, shall continue in force.

TABLE of the Produce of Silver Bullion in the Furruckabad Mint, commencing the 2d October 1819.

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce Sa. Wt.	Produce in Fd. Ra.	Duty of ½ per Cent. on Coinage.	Net Produce Fd. Rupees.
<i>Dwt.</i>							
20 Br.	9.091			109.091	104.712	2.094	102.618
19½ Br.	8.864			108.864	104.495	2.090	102.405
19 Br.	8.636			108.636	104.276	2.086	102.190
18½ Br.	8.409			108.409	104.058	2.081	101.977
18 Br.	8.182			108.182	103.840	2.077	101.763
17½ Br.	7.955			107.955	103.622	2.072	101.550
17 Br.	7.727			107.727	103.403	2.068	101.335
16½ Br.	7.500			107.500	103.185	2.064	101.121
16 Br.	7.273			107.273	102.967	2.059	100.908
15½ Br.	7.045			107.045	102.749	2.055	100.694
15 Br.	6.818			106.818	102.531	2.051	100.480
14½ Br.	6.591			106.591	102.313	2.046	100.267
14 Br.	6.364			106.364	102.095	2.042	100.053
13½ Br.	6.136			106.136	101.876	2.038	99.838
13 Br.	5.909			105.909	101.658	2.033	99.625
12½ Br.	5.682			105.682	101.440	2.029	99.411
12 Br.	5.455			105.455	101.222	2.024	99.198
11½ Br.	5.227			105.227	101.004	2.020	98.984
11 Br.	5.000			105.000	100.786	2.016	98.770
10½ Br.	4.773			104.773	100.568	2.011	98.557
10 Br.	4.545			104.545	100.349	2.007	98.342
9½ Br.	4.318			104.318	100.131	2.003	98.128
9 Br.	4.091			104.091	99.913	1.998	97.915
8½ Br.	3.864			103.864	99.695	1.994	97.701
8 Br.	3.636			103.636	99.476	1.990	97.486
7½ Br.	3.409			103.409	99.259	1.985	97.274
7 Br.	3.182			103.182	99.041	1.981	97.060
6½ Br.	2.955			102.955	98.823	1.976	96.847
6 Br.	2.727			102.727	98.604	1.972	96.632
5½ Br.	2.500			102.500	98.386	1.968	96.418
5 Br.	2.273			102.273	98.168	1.963	96.205
4½ Br.	2.045			102.045	97.949	1.959	95.990
4 Br.	1.818			101.818	97.731	1.955	95.776
3½ Br.	1.591			101.591	97.513	1.950	95.563
3 Br.	1.364			101.364	97.296	1.946	95.350
2½ Br.	1.136			101.136	97.077	1.942	95.135
2 Br.	0.909			100.909	96.859	1.937	94.922
Eng. Std.							
1½ Br.	0.682			100.682	96.641	1.933	94.706
1 Br.	0.455			100.455	96.423	1.928	94.495
½ Br.	0.227			100.227	96.204	1.924	94.280
Standard				100.000		1.920	94.066
½ W.	0.227		227	99.773	95.768	1.915	93.853
1 W.	0.455		455	99.545	95.550	1.911	93.639
1½ W.	0.682		682	99.318	95.332	1.907	93.425
2 W.	0.909		909	99.091	95.114	1.902	93.212
2½ W.	1.136		1.136	98.864	94.896	1.898	92.998
3 W.	1.364		1.364	98.636	94.677	1.894	92.783
3½ W.	1.591		1.591	98.409	94.459	1.889	92.570
4 W.	1.818		1.818	98.182	94.241	1.885	92.356
4½ W.	2.045		2.045	97.955	94.023	1.880	92.143
5 W.	2.273		2.273	97.727	93.805	1.876	91.929
5½ W.	2.500		2.500	97.500	93.587	1.872	91.715
6 W.	2.727		2.727	97.273	93.369	1.867	91.502
6½ W.	2.955	297.	3.252	96.748	93.151	1.857	91.288

New Standard.	Decimal Addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Fd. Ra.	Duty of 2 per Cent. on Coinage.	Net Produce Fd. Rupees.
<i>Dats.</i>							
7 W.	3.182	445	3.627	96.373	92.505	1.850	90.655
7½ W.	3.409	592	4.001	95.999	92.146	1.843	90.303
8 W.	3.636	744	4.380	95.620	91.782	1.836	89.946
8½ W.	3.864	901	4.765	95.235	91.413	1.828	89.585
9 W.	4.091	1.058	5.149	94.851	91.044	1.821	89.223
9½ W.	4.318	1.064	5.382	94.618	90.820	1.816	89.004
10 W.	4.545	1.074	5.617	94.383	90.595	1.812	88.783
10½ W.	4.773	1.078	5.851	94.149	90.370	1.807	88.563
11 W.	5.000	1.088	6.088	93.912	90.143	1.803	88.340
11½ W.	5.227	1.100	6.327	93.673	89.913	1.798	88.115
12 W.	5.455	1.112	6.567	93.433	89.683	1.794	87.889
12½ W.	5.682	1.125	6.807	93.193	89.453	1.789	87.664
13 W.	5.909	1.138	7.047	92.953	89.222	1.784	87.433
13½ W.	6.136	1.150	7.286	92.714	88.993	1.780	87.213
14 W.	6.364	1.161	7.525	92.475	88.763	1.775	86.988
14½ W.	6.591	1.173	7.764	92.236	88.534	1.771	86.763
15 W.	6.818	1.186	8.004	91.996	88.304	1.766	86.538
15½ W.	7.045	1.196	8.241	91.759	88.076	1.762	86.314
16 W.	7.273	1.208	8.481	91.519	87.846	1.757	86.089
16½ W.	7.500	1.220	8.720	91.280	87.616	1.752	85.864
17 W.	7.727	1.233	8.960	91.040	87.386	1.748	85.638
17½ W.	7.955	1.250	9.205	90.795	87.151	1.743	85.408
18 W.	8.182	1.268	9.450	90.550	86.916	1.738	85.178
18½ W.	8.409	1.287	9.696	90.304	86.679	1.734	84.945
19 W.	8.636	1.305	9.941	90.059	86.444	1.729	84.715
19½ W.	8.864	1.321	10.185	89.815	86.210	1.724	84.486
20 W.	9.091	1.339	10.430	89.570	85.975	1.720	84.225
20½ W.	9.318	1.357	10.675	89.325	85.740	1.715	84.025
21 W.	9.545	1.373	10.918	89.082	85.507	1.710	83.797
21½ W.	9.773	1.404	11.177	88.823	85.258	1.705	83.553
22 W.	10.000	1.434	11.434	88.566	85.011	1.700	83.311
22½ W.	10.227	1.466	11.693	88.307	84.763	1.695	83.068
23 W.	10.455	1.496	11.951	88.049	84.515	1.690	82.825
23½ W.	10.682	1.526	12.208	87.792	84.268	1.685	82.583
24 W.	10.909	1.555	12.464	87.536	84.023	1.680	82.343
24½ W.	11.136	1.585	12.721	87.279	83.766	1.676	82.100
25 W.	11.364	1.615	12.979	87.021	83.528	1.671	81.857
25½ W.	11.591	1.649	13.240	86.760	83.278	1.666	81.612
26 W.	11.818	1.683	13.501	86.499	83.027	1.661	81.366
26½ W.	12.045	1.717	13.762	86.238	82.777	1.656	81.121
27 W.	12.273	1.751	14.024	85.976	82.525	1.651	80.874
27½ W.	12.500	1.800	14.300	85.700	82.260	1.645	80.615
28 W.	12.727	1.850	14.577	85.423	81.994	1.640	80.354
28½ W.	12.955	1.900	14.855	85.145	81.728	1.635	80.093
29 W.	13.182	1.950	15.132	84.868	81.462	1.629	79.833
29½ W.	13.409	2.010	15.419	84.581	81.186	1.624	79.562
30 W.	13.636	2.068	15.704	84.296	80.913	1.618	79.295
30½ W.	13.864	2.128	15.992	84.008	80.636	1.613	79.028
31 W.	14.091	2.183	16.274	83.726	80.366	1.607	78.759
31½ W.	14.318	2.240	16.558	83.442	80.093	1.602	78.491
32 W.	14.545	2.296	16.841	83.159	79.821	1.596	78.225
32½ W.	14.773	2.349	17.122	82.878	79.552	1.591	77.961
33 W.	15.000	2.398	17.398	82.602	79.287	1.586	77.701
33½ W.	15.227	2.444	17.671	82.329	79.025	1.581	77.444
34 W.	15.455	2.485	17.940	82.060	78.766	1.575	77.191
34½ W.	15.682	2.511	18.193	81.807	78.524	1.570	76.934
35 W.	15.909	2.536	18.445	81.555	78.282	1.566	76.716
35½ W.	16.136	2.560	18.696	81.304	78.041	1.561	76.480
36 W.	16.364	2.583	18.947	81.053	77.800	1.556	76.244
36½ W.	16.591	2.605	19.196	80.804	77.561	1.551	76.010
37 W.	16.818	2.626	19.444	80.556	77.323	1.546	75.777
37½ W.	17.046	2.646	19.692	80.308	77.085	1.542	75.543
38 W.	17.273	2.665	19.938	80.062	76.849	1.537	75.312
38½ W.	17.500	2.683	20.183	79.817	76.613	1.532	75.081
39 W.	17.727	2.700	20.427	79.573	76.379	1.528	74.851
39½ W.	17.955	2.716	20.671	79.329	76.145	1.523	74.622
40 W.	18.182	2.731	20.913	79.087	75.913	1.518	74.395

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*,
in the Year 1819.—No. I. to VIII.

A.D. 1819. REGULATION I.

A REGULATION for rescinding Section IX, Regulation XXVI, 1802, and vesting in the Board of Revenue a discretionary power to fix in perpetuity the amount of the public assessment upon subdivisions of Estates, liable to a proportion of the permanent Land-tax, less than the sum of five hundred star pagodas per annum; for rendering the permanent alienation, transfer or sale of Subdivisions thus assessed valid in the Courts of Adawlut; and for preventing fraud, corruption or error, in the distribution of the Public Assessment upon Landed Property in general:—Passed by the Governor in Council of Fort St. George, on the 19th January 1819; corresponding with the 8th Tye of the year Bahoodauneah, 1740th year of Salewahan; and with the 21st Rabulavel, 1234 Hijeree.

Preamble.

WHEREAS Section IX, Regulation XXVI, 1802, directs that “no portion of a divided estate shall bear a less proportion of the permanent land tax than the sum of five hundred pagodas,” and that “where estates may be divided into portions, charged with a sum less than five hundred pagodas per annum, such separation of lands shall not be valid in the Adawlut,” but “the proprietor of the estate before such division shall continue to be liable for the entire amount of the permanent land-tax, in the same manner as if the separation had not been made;” and whereas these provisions are considered impolitic and inexpedient, as impeding the free subdivision of zemindary property and checking improvement, by rendering the tenure by which such portions of land can be held, dependent on the punctual discharge of the public jumma on the entire estate by the existing zemindar, and as thus opposing obstacles to the free transfer, subdivision, improvement and security of such property; and whereas it is thought that these enactments, intended originally to facilitate the realization of the land revenue, may be modified, in such a manner, as to be productive of material benefit, without seriously impeding or obstructing the collection of the public revenue; and whereas it has been deemed expedient to guard the public against the loss to which it is exposed from fraud, corruption or error, in the distribution of the public assessment upon landed property in general: wherefore the Governor in Council has been pleased to enact this Regulation, to take effect from and after the date of its promulgation.

Section IX, Regulation XXVI, 1802, rescinded; zemindaries may be subdivided into portions not less than one village or dependent hamlet, provided the public revenue be duly assessed thereon.

II. Section IX, Regulation XXVI, 1802, is hereby rescinded; and a zemindary or landed estate may be divided into portions of not less than one entire village, or dependent hamlet, with defined boundaries, charged with a proportion of the permanent land-tax less than five hundred pagodas per annum; but such separation of lands shall not be valid in the Courts of Adawlut, unless the amount of the permanent land-tax assessed thereon shall have been fixed by the collector, according to the other rules contained in the Regulation above-mentioned, and confirmed by the authority of the Board of Revenue, signified in writing.

The confirmation of such subdivisions discretionary with the board of revenue, and without it they cannot take place.

III. The Board of Revenue shall be at liberty to grant, or withhold, their confirmation in respect to any subdivision the assessment on which may be less than five hundred pagodas per annum; when the Board of Revenue may confirm assessments referred to in the preceding Section, the zemindar shall be at full liberty,

by

by sale, gift and otherwise, to alienate or transfer, in perpetuity, all his rights in such subdivisions; but if the Board of Revenue shall withhold or refuse their confirmation to the proposed subdivisions, the separation of the lands shall not take place.

IV. Should it be proved to the satisfaction of the Governor in Council that any fraud or material error has been committed in apportioning the permanent assessment on lands divided into two or more distinct estates under the provisions of Regulation XXVI, 1802, or under the provisions contained in this Regulation, it shall be competent to the Governor in Council from and after the promulgation of this Regulation, within the term of ten years, subsequent to the period at which such division or allotment may have been made, to order the land-tax to be apportioned anew on the principles laid down in the existing Regulations.

On proof within ten years of any fraud or error in apportioning the public revenue on subdivisions of a zemindary, Government may direct a re-allotment thereof.

V. The period of years mentioned in the preceding Section shall be calculated from the date on which the partition of the lands and allotment of the land-tax may have received the written confirmation of the Board of Revenue.

The period from which the ten years are to be calculated.

A. D. 1819. REGULATION II.

A REGULATION for the confinement of State Prisoners:—Passed by the Governor in Council of Fort St. George on the 4th March 1819; corresponding with the 23d Mausee of the year Bahoodaneah, 1740th year of Saliwahan; and with the 7th Jamadelavel, 1234 Hijeree.

WHEREAS reasons of state policy occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require, that due attention be paid to the health of every state prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zemindars, talookdars and others, situated within the territories dependent on the Presidency of Fort St. George, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government: the Governor in Council has enacted the following Rules, which are to take effect throughout the provinces, immediately subject to the Presidency of Fort St. George, from the date on which they may be promulgated.

Preamble.

II. *First*.—When the reasons, stated in the preamble of this Regulation, may seem to the Governor in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor in Council, and under the hand of the Chief Secretary or of one of the secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Mode of proceeding for placing individuals under restraint as state prisoners.

Second.—The warrant of commitment shall be according to the form prescribed in the Appendix to this Regulation.

Form of warrant to be issued.

Such warrant to be sufficient authority for the detention of any state prisoner.

Third.—The warrant of commitment shall be sufficient authority for the detention of any state prisoner in any fortress, gaol or other place within the territories subject to the Presidency of Fort St. George.

Officers in whose custody state prisoners may be placed, to submit to Government periodical reports.

III. Every officer in whose custody any state prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the Governor in Council, through the Chief Secretary to Government, on the conduct, the health and the comfort of such state prisoner, in order that the Governor in Council may determine whether the orders for his detention shall continue in force, or shall be modified.

State prisoners in the custody of the zillah criminal judge to be visited by the judge of circuit at the sessions.

IV. First.—When any state prisoner is in the custody of a Zillah Criminal Judge, the Judges of Circuit are to visit such state prisoner on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the state prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor in Council issued on that head.

State prisoners in custody of a public officer not being a zillah criminal judge, to be visited by such person as may be nominated by Government for the duty.

Second.—When any state prisoner is placed in the custody of any public officer, not being a Zillah Criminal Judge, the Governor in Council will instruct either the Criminal Judge, or the Judge of Circuit, or any other public officer not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Representations which may be made by state prisoners to be submitted to Government.

V. The officer, in whose custody any state prisoner may be placed, is to forward with such observations as may appear necessary, every representation which such state prisoner may from time to time be desirous of submitting to the Governor in Council.

Early report to be made to Government regarding the nature of the confinement, the health and the allowances granted to state prisoners.

VI. Every officer, in whose custody any state prisoner may be placed, shall, as soon after taking such prisoner into his custody as may be practicable, report to the Governor in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family according to their rank in life.

The allowance fixed for the support of a state prisoner, to be duly appropriated to that object.

VII. Every officer, in whose custody any state prisoner may be placed, shall take care that the allowance fixed for the support of such state prisoner is duly appropriated to that object.

The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the territories subject to the Presidency of Fort St. George.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as state prisoners under the authority of Government within the territories subject to the Presidency of Fort St. George.

Rules for the attachment of estates or lands by the orders of Government without a previous decision of a court of justice.

IX. Whenever the Governor in Council, for the reasons declared in the Preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jagheerदार, talookdar or other person, without any previous decision of a court of justice or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the secretaries to Government, to the Judge of the district in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder and Foujdarry Adawlut.

Lands or estates to be attached to be placed under the management of the officers of Government in the revenue department.

X. First.—The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the revenue department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

And not liable to be sold on account of decrees of the civil courts or otherwise, while under attachment.

Second.—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

The Government will make such arrangement as may be proper for the satisfaction of the decrees of the civil courts in such instances.

Third.—In the cases mentioned in the preceding Clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

XI. Whenever

XI. Whenever the Governor in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

Rules to be observed in cases where Government may order the release of an estate from attachment.

APPENDIX.

Form of Warrant of Commitment.

To the. [here insert the officer's designation.]

WHEREAS the Governor in Council, for good and sufficient reasons, has seen fit to determine that [here insert the state prisoner's name] shall be placed under personal restraint at [here insert the name of the place], you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor in Council, and the provisions of Regulation II, of 1819.

Fort St. George, the

By order of the Governor in Council,

A. B.

Chief Sec. to Govt.

A. D. 1819. REGULATION III.

A REGULATION to provide more effectually for the punishment of extortion, oppression or other abuse of authority on the part of the Native Officers of Police :—Passed by the Governor in Council of Fort St. George on the 9th March 1819; corresponding with the 28th Mausee of the year Bahoodauneah, 1740th year of Salewahan; and with the 12th Jamadelavel, 1234 Hijeree.

WHEREAS instances have occurred of abuse of authority on the part of the native officers of police in which the penalties prescribed in Section XLIV, Regulation XI, of 1816, have been found to be inadequate to the aggravated nature of the offence; and whereas it has been deemed expedient to provide more effectually for the punishment of such acts: the following Rules have been enacted.

Preamble.

II. Sections XLIV, and XLV, Regulation XI, 1816, are hereby rescinded.

III. *First.*—For extortion, oppression or other abuse of authority, all native officers of police shall be liable to be sued in a Zillah Court, or to be prosecuted in a Court of Criminal Judicature.

Certain Sections of Regulation XI, 1816, rescinded.

Police officers liable to a civil action, or criminal prosecution for abuse of authority.

Second.—Whenever a charge of this nature may be preferred before a magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding fifty Arcot rupees, or by imprisonment for a term not exceeding one month.

Extent to which police officers may be punished by a magistrate for abuse of authority.

Third.—In all cases wherein the measure of punishment, specified in the preceding Clause shall appear to be insufficient, the party accused shall be forwarded to the Criminal Judge, to be by him dealt with according to the provisions of the general Regulations.

Cases in which they are to be forwarded to the criminal judge.

A. D. 1819. REGULATION IV.

A REGULATION for determining the rate of Duty on Goods exported or imported by Sea, to or from any of the foreign European Settlements adjoining the Territories subject to the Presidency of Fort St. George:—Passed by the Governor in Council on the 10th April 1819; corresponding with the 30th Pungoonnee of the year Bahoodauneah, 1740th year of Salewahan; and with the 14th Jamadeussany, 1234 Hijeree.

Preamble.

WHEREAS it is provided by Clause Second, Section IX, Regulation I, of 1812, that goods passing by land from the Company's territories into the settlements of foreign European nations, or from such settlements into the Company's territories, shall be subject to the same duty to which they would have been liable if they had been exported or imported on foreign vessels by sea: and whereas it has been expedient for the better encouragement and protection of British Indian trade to impose a like duty on goods exported or imported by sea to or from any foreign European settlement, adjoining the territories subject to the Presidency of Fort St. George; the Governor in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following Rules, to be in force from the date of their promulgation.

Goods in whatever vessels exported or imported to or from foreign European settlements to be subject to the same duty as if exported or

II. Goods imported from or exported to any foreign European settlements adjoining to the territories subject to the Presidency of Fort St. George, on vessels under British or Asiatic colours, shall be liable to the same duty as if the goods had been imported or exported on vessels under foreign colours.

The duty to be paid and levied under the same rules as other duties.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs on goods and merchandize imported or exported by sea.

A. D. 1819. REGULATION V.

A REGULATION for rescinding such parts of Regulations IX, X, XI, of 1816, as disqualify Servants of the Government from attesting Confessions:—Passed by the Governor in Council of Fort St. George on the 23d April 1819; corresponding with the 12th Chitra of the year Pramaudce, 1741st year of Saliwahan; and with the 27th Jamadeussany, 1234 Hijeree.

Preamble.

WHEREAS serious inconvenience has been found to arise under the operation of the rule, which disqualifies servants of the Government from attesting confessions, or confirmations of former confessions, made before the officers of justice by persons charged with the commission of criminal acts; and whereas it has been deemed expedient, in order to facilitate the administration of public justice, that such disqualification should be removed, the Right honourable the Governor in Council has been pleased to enact as follows:

Certain provisions of Regulations IX, X, and XI, of 1816, rescinded.

II. Such parts of Section XXVI, Regulation XI, 1816, and Section XXVII, Regulation XI, 1816, as prohibit persons, being servants of the Government, from attesting confessions made by prisoners before magistrates of the zillahs or district police officers, and such part of Section X, Regulation X, 1816, as prohibits persons being servants of the Government, from attesting confessions or confirmations of former confessions made by prisoners before the Criminal Judges of the zillahs, are hereby rescinded:

A. D. 1819. REGULATION VI.

A REGULATION for rescinding Sections II, and III, of Regulation IV, of 1812, and Regulation I, of 1817, and for giving due publicity to a certain Regulation enacted by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, relative to the Trade of Foreign Nations with the British Possessions in India:—Passed by the Governor in Council of Fort St. George on the 15th May 1819; corresponding with the 4th Vyasee of the year Pramaudce, 1741st year of Saliwahan; and with the 20th Rujjub, 1234 Hijeree.

WHEREAS the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies have, in virtue of the powers granted to them by an Act passed in the 37th year of the reign of his present Majesty, framed a Regulation for carrying on the trade to and from the British possessions in India and the countries and states in amity with his Majesty, it is necessary that all previous enactments of the Government of Fort St. George, which may be inconsistent with the said Regulation, should be rescinded; and with the view that the provisions of the said Regulation may be duly observed by the courts of justice, and public officers of Government, and may be generally known and understood, it is expedient that the same should be printed and bound up with the Code of Regulations enacted by the Governor in Council of Fort St. George, and be likewise translated into the languages of the country. The Right honourable the Governor in Council has therefore passed the following Rules, to be in force from the date of their promulgation. Preamble.

II. Sections II, and III, Regulation IV, of 1812, and Regulation I, of 1817, are hereby rescinded. Rescissions.

III. The Regulation framed by the Honourable the Court of Directors of the United Company of Merchants of England trading to the East Indies, passed by them on the 31st day of December 1817, and intituled "A Regulation for carrying on the trade between the British possessions in India and the countries and states at amity with his Majesty," shall be printed and bound up with this Regulation, and shall be translated into the languages of the country, as prescribed in Regulation I, of 1802, concerning Regulations passed by the Governor in Council of Fort St. George. The Regulation passed by the Court of Directors concerning the foreign trade in India to be printed in the judicial code and translated.

IV. Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of foreign nations is and shall be subject at the ports and settlements of the British nation in the East Indies. Not to affect the existing provisions respecting duties on the trade of foreign nations.

" Regulation for carrying on the Trade between the British Possessions in India
" and the Countries and States in amity with his Majesty, passed by the Court
" of Directors of the United Company of Merchants of England trading to the
" East Indies, this 31st day of December 1817.

" Whereas by an Act passed in the 37th year of the reign of his present
" Majesty, intituled, 'An Act for regulating the trade to be carried on with the British
" possessions in India by the ships of nations in amity with his Majesty,' it was
" enacted, that from and after the passing of that Act, and during the continuance
" of the exclusive trade of the United Company of Merchants of England trading
" to the East Indies, and during the term for which the possessions of the British
" territories in India is secured to the said United Company, it should be law-
" ful for the ships and vessels of countries and states, in amity with his Majesty,
" to import into and export from the British possessions in India such goods
" and commodities as they should be permitted to import into and export from
" the said possessions by the Directors of the said Company, who were thereby
" directed to frame such Regulations for carrying on the trade to and from the said
" possessions and the countries and states in amity with his Majesty, as should seem
" to them most conducive to the interest and prosperity of the said British possessions
" in India, and of the British empire, and that no ship or vessel belonging to any of
" the subjects of states or countries in amity with His Majesty should be liable to
" seizure, confiscation or forfeiture, or other penalty, for exporting from or importing
158. T into

“ into the said British possessions in India any goods or commodities, the importation
 “ or exportation of which should respectively be permitted by the said Regulation,
 “ any thing in a certain Act of the twelfth year of the reign of King Charles the
 “ Second, therein recited, to the contrary notwithstanding; provided always, that it
 “ should not be lawful for the Directors of the said United Company to frame any
 “ Regulations for the conduct of the trade, which should be inconsistent with any
 “ treaty or treaties which should have been or might be entered into by His Majesty,
 “ his heirs and successors, and any country or state at amity with His Majesty, or
 “ which might be inconsistent with any Act or Acts of Parliament which had been
 “ passed for the Regulation of the trade and commerce of the said British territories
 “ in India: and whereas by another Act passed in the 53d year of the reign of His
 “ present Majesty, intituled, ‘ An Act for continuing in the East India Company for
 “ a further term, the possession of the British territories in India, together with cer-
 “ tain exclusive privileges for establishing further Regulations for the government of the
 “ said territories, and the better administration of justice within the same, and for
 “ regulating the trade to and from the places within the limits of the said Company’s
 “ charter,’ all the enactments, provisions, matters and things contained in any
 “ Act or Acts whatsoever, which were limited or might be construed to be limited
 “ to continue for and during the term granted to the said Company by a certain Act
 “ of the Parliament of Great Britain of the 33d year of His present Majesty
 “ therein recited, so far as the same or any of them were in force and not repealed
 “ by or repugnant to the said Act of the 53d year of His said present Majesty,
 “ should continue and be in force during the further term thereby granted to the said
 “ Company, subject to such alterations therein as might be made by any of the enact-
 “ ments, provisions, matters and things in that Act contained.

“ The Court of Directors of the United Company of Merchants of England
 “ trading to the East Indies, in virtue of the powers granted to them by the afore-
 “ said Acts, have framed the following Regulation for carrying on the trade to and
 “ from the British possessions in India and the countries and states in amity with
 “ His Majesty.

1st. “ Foreign European ships belonging to any nation having a settlement of its
 “ own in the East Indies, and being in amity with His Majesty, may freely enter
 “ the British sea-ports and harbours in that country, whether they come directly from
 “ their own country or from any of the ports and places in the East Indies. They
 “ shall be hospitably received, and shall have liberty of trade there in imports and
 “ exports, conformably to the Regulations established in such places, provided that
 “ it shall not be lawful for the said ships in time of war between the British
 “ Government and any state or power whatever, to export from the said British terri-
 “ tories, without the special permission of the British Government, any military stores
 “ or naval stores, saltpetre or grain. The said ships may also be cleared out for
 “ any port or place in the East Indies, but if cleared out for Europe shall be cleared
 “ out direct for the country in Europe to which such ships respectively belong.

II. *First.*—“ Foreign European ships belonging to countries having no establish-
 “ ment in the East Indies may, (when those countries and states respectively are
 “ in amity with His Majesty), freely enter the ports of the principal British settle-
 “ ments in the East Indies, viz. Calcutta, Madras, Bombay and Prince of Wales’
 “ Island only. They shall be hospitably received there, and have free liberty to
 “ trade in imports and exports, conformably to the regulations of the place, provided
 “ that it shall not be lawful for the said ships in time of war between the British
 “ Government and any state or power whatever, to export from the said British
 “ territories, without the special permission of the British Government, any military
 “ stores or naval stores, saltpetre or grain; and provided also, that the said ships
 “ proceed from their own ports direct to the said principal British settlements, with-
 “ out touching at any port or place whatever in the voyage out, except from neces-
 “ sity, and merely to procure refreshments or repairs in case of distress or accidents
 “ in the course of such voyage, the burthen of the proof of which necessity to rest
 “ on the parties.

Second.—“ The vessels of the said European powers last aforesaid shall not carry
 “ any of the articles exported by them from the said British territories to any port
 “ or place, except to some port or place in their own countries respectively, where
 “ the same shall be unladen. The said ships should not be cleared out to carry
 “ on the coasting or country trade in India, but vessels going with their original
 “ cargoes

“ cargoes or part thereof from one principal British port of discharge to another principal British port, are not to be considered as carrying on the coasting trade.

Third.—“ The said vessels shall not be allowed to proceed, either with or without return cargo, from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Asiatic potentate or power, except from the like necessity, as is before described, of which the proof shall rest with them; nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal for any other purpose than that of proceeding to the port of Calcutta for trade, refreshment or repairs.

Fourth.—“ In clearing out for their respective countries, the clearance shall be a direct one to the country to which the vessel belongs and to no other whatever.

III. “ The trade between the British possessions in India, and the United States of America, shall be regulated by the Convention of Commerce between Great Britain and the United States of America, signed at London the 3d July 1815.”

APPENDIX.

Article III, of a Convention of Commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

Article III. of a convention of commerce between Great Britain and America.

“ His Britannic Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, viz. Calcutta, Madras, Bombay and Prince of Wales' Island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation respectively, to and from the said territories, shall not be entirely prohibited: provided only, that it shall not be lawful for them, in any time of war between the British Government and any state or power whatever, to export from the said territories, without the special permission of the British Government, any military stores or naval stores or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favoured European nations; and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

“ But it is expressly agreed that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place except to some port or place in the United States of America, where the same shall be unladen.

“ It is also understood that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having in the first instance proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes or any part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshments, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such other places as may be in the possession of Great Britain in the African or Indian seas; it being well understood, that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government from time to time established.”

A. D. 1819. REGULATION VII.

A REGULATION for modifying and explaining certain parts of Regulation II, 1816, and of other Regulations now in force for the collection of Customs:—
 Passed by the Governor in Council of Fort St. George on the 10th July 1819; corresponding with the 28th Aunee of the year Pramaudee, 1741st year of Saliwahan; and with the 16th Ramzan, 1234 Hijeree.

Preamble.

WHEREAS it is provided in Regulation II, 1816, that sundry articles, if imported in the manner specified in the second Clause of that Regulation, shall be exempt from duty; and whereas it has been considered expedient, with a view to the further encouragement of British commerce, that a like exemption should be extended to sundry other articles; and whereas it has been further deemed advisable to modify and explain some of the provisions at present in force for the collection of Government customs; the following Rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the Presidency of Fort St. George.

Specification of articles to which the exemption from duty contained in Section III, Regulation II, 1816, is declared to extend.

II. The exemption from duty contained in Section III, Regulation II, 1816, is hereby extended to the articles hereinafter specified, and generally to all articles coming under the description of wrought or unwrought metals, being the produce or manufacture of the United Kingdom of Great Britain and Ireland; that is to say,

Cutlery,
 Table and kitchen utensils,
 Trinkets, composed wholly or chiefly of metals,
 Locks, bolts and hinges,
 Scales and weights,
 Clocks, watches and time keepers,
 Nails of iron and copper,
 Hatches, hammers, saws and ironmongery of all sorts,
 Sheet copper and sheet iron,

Wire of iron, brass, steel, silver and gold,
 Lead, in sheets, cast or rolled,
 Copper pumps,
 Mathematical instruments,
 Fire engines,
 Tin ware,
 Shot for fowling,
 Bellows,
 Brazieri.

Enumeration of articles to be considered as marine stores, and as such to be exempt from duty if imported in the manner specified in Section IV, Regulation II, 1816.

III. The following articles are hereby declared to be marine stores within the meaning of Section IV, Regulation II, 1816, and to be exempt from duty if imported in the manner therein specified:

Anchors,
 Blocks of sorts,
 Boxes, pump,
 Buntin, of sorts,
 Masts and spars, of all sorts,
 Bells, for ships,
 Canvas, of all sorts,
 Copper rings,
 Mooring chains,
 Channel work, for ships,
 Azimuth, hanging and steering compasses,
 Cordage of all descriptions,
 Deals of all sorts,
 Capstern furniture,
 Time and binnacle glasses,
 Grapnels,

Figure heads,
 Pump hide,
 Kentledge,
 Lanthorns,
 Lines and Twine,
 Scupper leather,
 Sail needles, of sorts,
 Spars, of sorts,
 Tar and pitch,
 Palm irons,
 Hawse rollers,
 Rosin,
 Sheaves and pins, of sorts,
 Speaking trumpets, of sorts,
 Vitry,
 Varnish.

All such parts of the Regulations as exempt from duty the Company's commerce or goods purchased at the Company's sales, rescinded.

IV. Such parts of Section XXVII, Regulation IX, 1803, of Section XIX, Regulation X, 1803, of Section XXIII, Regulation XI, 1803, and of Section XIV, Regulation I, 1812, and all such parts of any Regulation, as exempt the commerce of the Honourable Company or goods purchased at the Honourable Company's sales from payment of duties, are hereby rescinded.

V. First.

V. First.—All goods which may be originally imported by sea on British vessels, or on vessels belonging to native inhabitants of the British territories, or to subjects of native powers of Asia, at any port in the territories subject to the British Government in India, and shall afterwards be re-exported to Madras, or any port immediately dependent on this Presidency, shall, in cases in which the duty established by the Regulations of this Government, at the port where the said goods are last imported, does not exceed the amount of the duty retained at the port into which they were first imported, be exempt from all further duty on such last importation, on the production of a regular certificate from the proper officer of the amount so paid and retained at the port of original importation.

Regulations does not exceed the duty retained at the port where the goods were first imported. Certificates in proof of the duty having been paid, to be produced.

Goods originally imported on British or Asiatic bottoms at ports subject to the British Government in India, to be exempted from further duties on their subsequent importation at any other port subject to this presidency.

Provided the duty established by the Regulations were first imported.

Second.—In like manner in cases in which the duty established at the port where the goods are subsequently imported, may exceed the amount retained at the port of original importation, the difference only will be levied on such subsequent importation.

first imported, the difference only to be demanded at the port of subsequent importation, &c.

VI. The rule contained in Clause First, Section VIII, Regulation II, 1816, is hereby declared applicable to indigo, the produce of any part of the British territories in India.

Explanation of the rule contained in clause first, Section VIII, Regulation II, 1816.

VII. First.—The provisions regarding drawback, contained in Clause Second, Section VIII, and Section X, Regulation II, 1816, are hereby declared subject to the following modifications.

The provisions contained in clause second, Section VIII, and Section X, Regulation II, 1816, modified.

Second.—In all cases in which an export duty is payable under the existing Regulations on goods which shall have previously paid an inland or transit duty, such export duty shall be altogether remitted on the exportation of such goods to the United Kingdom: provided, however, that in such cases such a drawback only shall be allowed as shall reduce the amount of duty retained to $2\frac{1}{2}$ per cent. and where the inland duty shall not exceed that rate, no drawback shall be allowed.

Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom.

Provided such a drawback only be allowed as will reduce the duty retained to $2\frac{1}{2}$ per cent. In cases where the inland duty shall not exceed that rate, no drawback to be allowed.

Third.—In like manner, in regard to goods not subject to any transit duty, the prescribed export duty shall, on their exportation to the said United Kingdom, be reduced to $2\frac{1}{2}$ per cent.

On goods not subject to a transit duty, the export duty to be reduced to $2\frac{1}{2}$ per cent.

VIII. The schedules annexed to this Regulation, exhibiting the duties payable, and the drawbacks allowed, on the several articles of commerce therein specified, are published for general information.

Schedules exhibiting duties and drawbacks published for general information.

TABLE, No. 1.

TABLE of the Duties levied on Articles, the produce or manufacture of the United Kingdom, or of Foreign Europe, imported from the United Kingdom on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.	Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Anchors and grapnels -	no duty	5 per cent.	Boxes pump - - -	no duty	5 per cent.
Articles for wearing apparel not of woollen manufacture - - -	$2\frac{1}{2}$ per cent.	ditto	Brafs work and ware - - -	ditto	ditto
Beads - - -	ditto	ditto	Broad cloth - - -	ditto	ditto
Beer - - -	ditto	ditto	Braziers - - -	ditto	ditto
Bellows - - -	no duty	ditto	Buntin - - -	ditto	ditto
Hard shot - - -	ditto	ditto	Cumblers - - -	ditto	ditto
Blacking and brushes -	$2\frac{1}{2}$ per cent.	ditto	Canes and rattans - - -	$2\frac{1}{2}$ per cent.	ditto
Blankets - - -	no duty	ditto	Canvas - - -	no duty	ditto
Blocks of sorts - - -	ditto	ditto	Capstern furniture - - -	ditto	ditto
Bottles empty - - -	$2\frac{1}{2}$ per cent.	ditto	Carriages and conveyances -	$2\frac{1}{2}$ per cent.	ditto
			Carpets of woollen manufacture - - -	no duty	ditto

Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.	Enumeration of Goods.	The produce or manufacture of the United Kingdom.	The produce or manufacture of Foreign Europe.
Chalk - - - -	2 ½ per cent.	5 per cent.	Medicines - - -	2 ½ per cent.	5 per cent.
Channel work for ships -	no duty	ditto	Metals, wrought or unwrought - - -	no duty	ditto
Clocks - - - -	ditto	ditto	Mooring chains - - -	ditto	ditto
Coals - - - -	2 ½ per cent.	ditto	Musical instruments - -	2 ½ per cent.	ditto
Coffin furniture - - -	no duty	ditto	Nails of iron or copper -	no duty	ditto
Compasses azimuth, hanging and steering -	ditto	ditto	Oils - - - -	2 ½ per cent.	ditto
Confectionary and sweetmeats - - - -	2 ½ per cent.	ditto	Ochre - - - -	ditto	ditto
Copper of every description	no duty	ditto	Opium - - - -	- - - -	40 Rs. per viss.
Copper pumps - - -	ditto	ditto	Paint and paint brushes -	2 ½ per cent.	5 per cent.
Copper rings - - -	ditto	ditto	Palm irons - - -	no duty	ditto
Coral - - - -	- - - -	ditto	Perfumery - - -	2 ½ per cent.	ditto
Cordage - - - -	no duty	ditto	Piece goods - - -	ditto	ditto
Corks - - - -	2 ½ per cent.	ditto	Pictures - - - -	ditto	ditto
Cotton screws, iron - -	no duty	ditto	Pitch and Tar - - -	no duty	ditto
Cotton yarn and thread -	2 ½ per cent.	ditto	Plate and plated ware -	ditto	ditto
Crystal ware - - -	ditto	ditto	Printed cotton and calicoes	2 ½ per cent.	ditto
Cutlery - - - -	no duty	ditto	Pump hide - - -	no duty	ditto
Cyder and Perry - - -	2 ½ per cent.	ditto	Quicksilver - - -	- - - -	ditto
Deals of sorts - - -	no duty	ditto	Red and white lead - - -	2 ½ per cent.	ditto
Earthenware - - -	2 ½ per cent.	ditto	Rosin - - - -	no duty	ditto
Eatables - - - -	ditto	ditto	Saddlery - - - -	2 ½ per cent.	ditto
Engravings - - -	ditto	ditto	Sail needles - - -	no duty	ditto
Figure heads - - -	no duty	ditto	Salt - - - -	350 Rs. pr. garce	350 Rs. pr. garce.
Filtering-stones - - -	2 ½ per cent.	ditto	Scupper leather - - -	no duty	5 per cent.
Flint stones - - -	ditto	ditto	Seeds of sorts - - -	2 ½ per cent.	ditto
Fire and garden engines -	no duty	ditto	Shawls, woollen manufacture - - -	no duty	ditto
Furniture, household - -	2 ½ per cent.	ditto	Sheaves and pins - - -	ditto	ditto
Glass and glass ware of every description - - -	ditto	ditto	Shot - - - -	ditto	ditto
Gold and silver lace - -	ditto	ditto	Soda water - - -	2 ½ per cent.	ditto
Gold leaf - - - -	no duty	ditto	Spars - - - -	no duty	ditto
Guernsey shirts - - -	ditto	ditto	Speaking trumpets - - -	ditto	ditto
Guns and pistols - - -	ditto	ditto	Spirituous liquors - - -	8 per cent.	8 per cent.
Gunpowder - - - -	2 ½ per cent.	ditto	Spirits of turpentine - -	2 ½ ditto	5 per cent.
Hammers, hatchets and saws - - - -	no duty	ditto	Stationery and books - -	ditto	ditto
Hawse rollers - - -	ditto	ditto	Steel - - - -	no duty	ditto
Hose, woollen - - -	ditto	ditto	Table utensils - - -	ditto	ditto
Jewellery - - - -	ditto	ditto	Tallow - - - -	2 ½ per cent.	ditto
Iron - - - -	ditto	ditto	Time and binnacle glasses	no duty	ditto
Iron butts, hoops, rivets and sheet - - - -	ditto	ditto	Tin - - - -	ditto	ditto
Iron cables - - - -	ditto	ditto	Tin plates and tin ware of every description - -	ditto	ditto
Iron chains - - - -	ditto	ditto	Tobacco and snuff - - -	2 ½ per cent.	ditto
Iron chests - - - -	ditto	ditto	Tobacco pipes - - -	ditto	ditto
Iron kentledge - - -	ditto	ditto	Toys of iron or tin - - -	no duty	ditto
Iron knees - - - -	ditto	ditto	Types - - - -	ditto	ditto
Ironmongery and iron work of every description -	ditto	ditto	Trinkets, composed wholly or chiefly of metal -	ditto	ditto
Iron, plate or wrought -	ditto	ditto	Turpentine - - - -	2 ½ per cent.	ditto
Kentledge - - - -	ditto	ditto	Varnish, copal, used by coachmakers - - -	ditto	ditto
Kitchen utensils - - -	ditto	ditto	Ditto for ships - - -	no duty	ditto
Lace - - - -	2 ½ per cent.	ditto	Vegetable syrup - - -	2 ½ per cent.	ditto
Lacquered ware, not metal	ditto	ditto	Verdigrise - - - -	ditto	ditto
Lanthorns - - - -	no duty	ditto	Vinegar - - - -	ditto	ditto
Lead in sheets, cast or rolled	ditto	ditto	Vitry - - - -	no duty	ditto
Leather of sorts - - -	2 ½ per cent.	ditto	Watches and time-keepers	ditto	ditto
Lines and twine - - -	no duty	ditto	Weights and scales - - -	ditto	ditto
Locks, bolts and hinges -	ditto	ditto	Wire of iron, brass, steel, silver and gold - - -	ditto	ditto
Mangles or hackles of iron -	ditto	ditto	Wines and spirits - - -	8 per cent.	8 per cent.
Marble slabs and tiles -	2 ½ per cent.	ditto	Woollens - - - -	no duty	5 per cent.
Masts, spars and oars -	no duty	ditto	All articles not specified above - - - -	2 ½ per cent.	ditto
Mathematical instruments -	no duty	ditto			

TABLE, No. 2.

TABLE of the Rates of Duties levied on the following Goods (not being the produce or manufacture of the United Kingdom, or of Foreign Europe) on their importation into Madras by Sea, on British or Asiatic Bottoms, or on Foreign Bottoms other than Asiatic, and the Drawbacks allowed on re-exportation to the United Kingdom, on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Goods.	If imported on a British or Asiatic Bottom.		If imported on a Foreign Bottom.	
	Import Duty.	Drawback on re-exportation to the United Kingdom.	Import Duty.	Drawback on re-exportation to the United Kingdom.
Animals - - - - -	no duty	no drawback	no duty	no drawback.
Bullion and coin - - - - -	no duty	no drawback	no duty	no drawback.
Cotton - - - - -	no duty	no drawback unless duty have been paid at a subordinate port under Section XII, Regulation II, 1812, in which case a drawback of the whole of such duty is allowed.	no duty	no drawback unless duty have been paid at a subordinate port under Section XII, Regulation II, 1812, in which case a drawback of the whole of such duty is allowed.
Hemp and sunn - - - - -	8 per cent. on the value	the whole duty.	16 per cent. on the value.	the whole duty.
Indigo (manufacture of the British territories in India.)	8 per cent. on a valuation of 716 rupees per candy.	the whole duty.	16 per cent. on a valuation of 716 rupees per candy.	the whole duty.
Opium, imported on a British or foreign ship unaccompanied by certificate of its having been purchased at the Company's sales	40 rupees per viss.	no drawback	40 rupees per viss.	no drawback.
Precious stones - - - - -	no duty	no drawback	no duty	no drawback.
Rice, imported from ports subordinate to Port St. George.	no duty	no drawback	no duty	no drawback.
— imported from any other place	5 per cent.	2 $\frac{1}{2}$ per cent.	10 per cent.	7 $\frac{1}{2}$ per cent.
Spirits - - - - -	8 per cent. on the value & an excise duty of 350 rupees per 150 gallons.	5 $\frac{1}{2}$ per cent. and the whole excise duty.	16 per cent. on the value & an excise duty of 350 rupees per 150 gallons.	13 $\frac{1}{2}$ per cent. and the whole excise duty.
Salt (foreign) - - - - -	350 rupees per garce.	no drawback	350 rupees per garce.	no drawback.
Wines - - - - -	8 per cent. on the value.	5 $\frac{1}{2}$ per cent.	16 per cent. on the value.	13 $\frac{1}{2}$ per cent.
Bang - - - - -	As per Regulation II, and III, of 1812.	The excess of the duty above 2 $\frac{1}{2}$ per cent. on the value.	As per Regulation II, and III, of 1812.	The excess of the duty above 2 $\frac{1}{2}$ per cent. on the value.
Betelnut - - - - -				
Ganjah - - - - -				
Goodawak - - - - -				
Tobacco - - - - -				

With the above exceptions, all articles when imported on a British or Asiatic vessel, are charged with an import duty of 8 per cent. and allowed a drawback of 5 $\frac{1}{2}$ per cent.; and when imported on a foreign vessel other than Asiatic, are charged with an import duty of 16 per cent. and allowed a drawback of 13 $\frac{1}{2}$ per cent.

TABLE, No. III.

TABLE showing the result of the adjustment of internal or transit Duties, and of Drawbacks on Goods exported by Sea to the United Kingdom, on Vessels trading under the provisions of the Acts for regulating the direct and circuitous Trade between the United Kingdom and India.

Enumeration of Articles.							Duty.
Animals	-	-	-	-	-	-	No duty.
Bullion and Coin	-	-	-	-	-	-	ditto
Cotton	-	-	-	-	-	-	ditto
Hemp and Sunn	-	-	-	-	-	-	ditto
Indigo	-	-	-	-	-	-	ditto
Opium	-	-	-	-	-	-	Duty of 40 rupees per viss.
Precious Stones and Pearls	-	-	-	-	-	-	No duty.
Rice and Grain of all sorts (at subordinate ports)	-	-	-	-	-	-	Duty of $2\frac{1}{2}$ per cent.
- Ditto - ditto - at Madras	-	-	-	-	-	-	No duty.
All other Articles	-	-	-	-	-	-	A duty of $2\frac{1}{2}$ per cent. on the tariff rate of the place of exportation, adjusted by drawback when more has been previously paid.

A. D. 1819. REGULATION VIII.

A REGULATION for rescinding Regulation IX, of 1802:—Passed by the Governor in Council of Fort St. George on the 29th November 1819.

Preamble.

THE system prescribed by Regulation IX, of 1802, for the preparation of Regulations by the several authorities therein specified, regarding matters within their cognizance respectively, has not been found productive of the desired effect. The time and attention of the Judges of the Sudr and Foudaree Udalt have been much occupied, and their other important duties frequently impeded, by the revision of Regulations, which, being drafted by officers of various departments not experienced in that duty, were often found defective in point of form, and otherwise unfit for adoption without considerable alterations. Moreover the Judges of the Court of Sudr and Foudaree Udalt, in performing the duty with which they were charged, of revising Regulations prepared in other departments, stood often in need of information to which they could not have access except by a circuitous reference. It appears, further, to be inconsistent with general and acknowledged principles of good government, which require the separation of the legislative and judicial functions, that laws, which are to regulate the decisions of the courts of justice, should be finally prepared for promulgation by the court exercising the highest civil and criminal jurisdiction, whose duty it is to expound and interpret those laws in the last resort. The Right honourable the Governor in Council has therefore resolved to rescind Regulation IX, of 1802, and to make such special provision as may appear from time to time expedient for bringing under the notice and consideration of Government, with the opinion of the highest authorities in each department, the legislative rules which the judicial, revenue and commercial authorities may deem it advisable to propose respecting matters coming within their cognizance, and for reducing into the form of Regulations, as prescribed in Regulation I, of 1802, such of the proposed rules as may finally be adopted by the Government. The Right honourable the Governor in Council has accordingly enacted as follows :

II. Regulation IX, of 1802, is hereby rescinded.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay*, in the Year 1819.—No. I. to X.

A. D. 1819. REGULATION I.

A REGULATION for the support of the Police in the Cantonments and Military Bazars subject to the Presidency of Bombay; for defining the powers of the Civil and Military Officers in the performance of that duty, and for fixing the local limits of the said Cantonments and Bazars:—Passed by the Right honourable the Governor in Council of Bombay, on the 25th of February 1819; corresponding with the 1st of Falgoon sood, Sumbut, Vikramjit era, 1875; Salbahan 1740; and 29th of Rubeeoolakhir 1234 of the Hijree.

THE following Rules have been passed for the more effectual support of the police in cantonments and military bazars subject to the Presidency of Bombay, for defining the powers of the civil and military officers in the performance of that duty, and for fixing the local limits of the cantonments and bazars. Preamble.

II. *First*.—The support of the police, and the maintenance of the peace within the limits of the cantonments and military bazars (which are to be fixed in the manner hereafter stated), are hereby vested in officers commanding the troops quartered at such places. The commanding officers will accordingly adopt the necessary measures, by means of the troops under their command, for preventing, as far as possible, the commission of thefts, robberies, murders and other public crimes, within the limits of the said cantonments and military bazars, and for the discovery and apprehension of persons, who may at any time be guilty of any such acts.

The support of the police and the maintenance of the peace within the limits of cantonments, vested in officers commanding the troops. Commanding officers to adopt measures for preventing the commission of the thefts or other public crimes within the limits of cantonments and military bazars.

Second.—Nothing contained in the preceding rule shall, however, be construed to authorize the commanding officers of cantonments, or the persons acting under their authority in the support of the police, to interfere, with respect to assaults and petty affrays, or other offences of inferior magnitude, unless the persons guilty of those offences shall be apprehended in the actual commission of such acts.

Commanding officers, or others acting under their authorities, are not to interfere with respect to assaults and petty affrays.

Third.—Any person apprehended under the preceding rules in any of the cantonments or military bazars, on account of the commission of any public crime or offence, shall be delivered over with all practicable expedition to the Criminal Judge or Zillah Magistrate of the jurisdiction in which such cantonments or bazars are situated; and the Criminal Judge or Zillah Magistrate, if within his jurisdiction, shall proceed against the accused in the manner prescribed by the General Regulations.

Persons apprehended under the above rules, to be delivered over to the criminal judge or magistrate of the district; and to be proceeded against in the manner prescribed by the General Regulations.

III. *First*.—If any person shall have a charge or complaint to prefer against any individual resident in any of the cantonments or military bazars, who may not have been already apprehended by the persons entrusted therein with the support of the police, or if the charge or complaint be of a nature not to authorize those officers under Clause Second of the preceding Section, to interfere in it, the party deeming himself aggrieved is at liberty to prefer his charge or complaint directly to the Criminal Judge or Zillah Magistrate, agreeably to the jurisdiction in which the cantonments or military bazar may be situated, who is hereby authorized and required to proceed

Party aggrieved shall be at liberty to prefer his complaint against any individual resident in the cantonment or military bazar, to the Magistrate of the district.

Criminal judges and magistrates to proceed against such individuals under the General Regulations.

with respect to it under the General Regulations, in the same manner, as if the alleged crime or offence had been committed in any other part of his jurisdiction.

Criminal judges or magistrates may issue warrants and summonses against any person residing in the cantonment.

Commanding officers on special application or otherwise, required to afford protection to the officers of the civil authority, in

Second.—Under the foregoing Clause the Criminal Judges and Zillah Magistrate are of course empowered to issue their warrants and summonses against any persons residing in the cantonments and military bazars, in the same manner as if such persons resided in any other part of their jurisdiction; and the commanding officers of stations are hereby required to afford every protection to the officers of the Judges, Criminal Judges, Zillah Magistrates, and Justices of the Peace, in the discharge of the duty entrusted to them, whether any special application shall have been made to them for such aid or support, or otherwise.

the discharge of the duties entrusted to them.

Limits of cantonments and military bazars, to be fixed by commanding officers in concert with the criminal judge or magistrate of the district.

Commanding officer to submit a report upon the local limits of the cantonments, with any remarks from the criminal judge or magistrate of the station, for the final orders of Government.

The above rules to be considered applicable to all cantonments.

IV. On receipt of this Regulation, the limits of the cantonments, including the military bazar attached thereto, at which any division or corps of the army, or any considerable detachment, not being less than half a battalion, may be quartered, shall be fixed by the commanding officer in concert with the Criminal Judge or Zillah Magistrate. The commanding officer at each of those stations will accordingly submit to Government, through the usual channel, as soon as circumstances may conveniently admit, a report, framed in concert with the Criminal Judge or Zillah Magistrate within whose jurisdiction the cantonments may be situated, upon the local limits of the cantonments, forwarding at the same time any separate remarks which the Criminal Judge or Zillah Magistrate may wish to make on the subject, for the final orders of the Governor in Council.

V. The above Rules shall be considered applicable to all cantonments in which any considerable body of the troops, not being less than half a battalion, is quartered, whether the cantonments be situated at the place of residence of the Judge, Criminal Judge and Zillah Magistrate, or in any other part of the district.

A. D. 1819. REGULATION II.

A REGULATION for amending part of Section IX, Regulation XIV, A. D. 1802, intituled, "A Regulation for the appointment of Vakeels or Native Pleaders in the Civil Courts :"—Passed by the Right honourable the Governor in Council of Bombay on the 10th March 1819; corresponding with the 14th of Falgoon Sood Sumbut or Vikramajit era 1785, Salbahan 1740, and 13th of Jumadyool-avul 1234 of the Hijree.

Preamble.

WHEREAS the fees levied upon the institution of suits in the Civil Courts under Section III, Regulation VIII, A. D. 1802, as well as those receivable by the registers of the said Courts under Section V, Regulation II, 1808, were calculated upon the principle of a gradual increase in proportion to the amount of suit; and whereas doubts have arisen upon the application of this principle, in estimating the fees of vakeels or native pleaders, according to the table thereof exhibited in Section IX, Regulation XIV, A. D. 1802; in order therefore to remove such doubts in future, the following Rules have been enacted.

Fees to be allowed to vakeels or native pleaders in the civil courts.

II. The vakeels of parties in the several Courts of Judicature are to be allowed as fees for pleading the causes of their clients, the following per centage on the sum of money or the value of any personal property which may constitute the subject of the suit, viz.

On amount or value not exceeding five thousand rupees, five per cent. on the first thousand, and four per cent. on the remainder.

On amount or value exceeding five thousand and not exceeding ten thousand rupees, on five thousand as above, and on the remainder three per cent.

On amount or value exceeding five thousand and not exceeding twenty-five thousand rupees, on ten thousand as above, and on the remainder two per cent.

On amount or value exceeding twenty-five thousand and not exceeding fifty thousand rupees, on twenty-five thousand as above, and on the remainder one per cent.

On

On amount or value exceeding fifty thousand and not exceeding one hundred thousand rupees, on fifty thousand as above, and on the remainder three quarters per cent.

On amount or value exceeding one hundred thousand rupees, on one hundred thousand as above, and on the remainder one half per cent.

A. D. 1819. REGULATION III.

A REGULATION for defining the Jurisdiction to which the ceded and conquered Territories, recently annexed to the Bombay Presidency, shall be subject; for introducing the Laws and Regulations for the administration of Justice, and collection of the Revenues, into those territories; and for modifying such parts of the existing Regulations, as relate to the periodical Goal Deliveries:—Passed by the Right honourable the Governor in Council of Bombay on the 14th April 1819, corresponding with the 4th of Chyter Vud, Sumbut or Vikramajet era 1875, Salbahan 1741, and 18 of Jumadyoolakher 1234 of the Hijree.

WHEREAS by a supplemental treaty concluded at Baroda, on the 6th November 1817, with His Highness the Guycawar, and ratified by His Excellency the Most Noble the Governor General in Council at Masowly, on the 12th of March 1818, the districts composing the perpetual farm of Ahmedabad by the XV. article of the Treaty of Poona, namely, the late Paiswa's share in the city of Ahmedabad, the Duscooraee Pergunnah, the districts of Beerungaum and Perantej, his share in Hursolee and Morassa, the Punch Mahals, viz. Mahmoodabad, Aleena, or otherwise called Thanna, Sasra and Antroolee, Balasenore and Veerpoor, and half of the town and pergunnah of Petlaud, were ceded in perpetual sovereignty to the Honourable East India Company, in order to provide for the regular payment of the additional troops subsidised by that treaty; and whereas by the additional articles to the supplemental treaty aforesaid, negotiated with the Guycawar State, and ratified by His Excellency the Most Noble the Governor General in Council at Fort William on the 28th of November 1818, the Guycawar's share of the city, and of his rights in Ahmedabad, the Duscooraee (inclusive of Doomalla and Enam assignments,) the pergunnahs of Turkeyser and cusba of Mota in Surat Attaveesy, were ceded to the East India Company in exchange for the districts of Dubhoy, Bahadurpoora and Saowlee, and of the Moghallaie duties in the districts belonging to the Guycawar in the Surat Attaveesy; and whereas it was considered mutually desirable for the interests and convenience of both Governments, and to promote more effectually the consolidation of their power and authority, that the rights of the cusba town of Petlaud, should be transferred to one or other of the contracting parties, His Highness the Guycawar agreed by the additional articles aforesaid, to cede in exchange for the Company's rights in the cusba of Petlaud only, his rights in the cusba or township of Omrut; and whereas all the territory situated to the southward of the districts of Bailapoor, Autgong and Cullian, and lying between the ghauts of the Syadree mountains and the sea, denominated the Southern Concan and the pergunnah of Oolpar in Guzerat belonging to the late Paishwa, have been obtained by conquest, and annexed to this Presidency by the authority of His Excellency the Most Noble the Governor General in Council; and whereas it has been judged advisable to annex such of the territories to those zillahs which from their vicinity can most conveniently exercise a jurisdiction over them, and also to create a new zillah in the Southern Concan; and whereas it has been deemed expedient to extend the Regulations for the administration of justice, and the collection of the Revenue, with the amendments and alterations hereafter specified, to the territories aforesaid, as well as to modify such parts of Section VIII, Regulation VIII, 1812, as relate to the number of goal deliveries annually, the following enactment has been passed.

II. Such parts of Section III, Regulation VI, 1817, as relate to the annexation of the pergunnahs of Dubhoy, and Bahadurpoora to the zillah of Broach, and the pergunnah of Saowlee to the zillah of Cairra, are hereby rescinded.

Certain parts of Section III, Regulation VI, 1817 rescinded.

III. First.—Section V, Regulation II, 1805, constituting the zillah and collectorship of Kaira is hereby rescinded, and the territories situated to the northward of the

Section V, Regulation II, 1805, rescinded.

British territory north of the Myhee, divided into two zillahs; one designated the Ahmedabad or Western Zillah,

the Myhee river, which were divided into two zillahs and collectorships from the 1st day of January 1818, shall be designated, one the Ahmedabad or Western Zillah, and the other the Eastern Zillah North of the Myhee.

What shall constitute the Ahmedabad or Western Zillah.

Second.—The districts situated to the west of the Sabumatty river, inclusive of such part of the Dholka Pergunnah as may be situated to the east thereof, with the city of Ahmedabad, including such villages in the Duskorace as are to the west of the Kharee river and the pergunnah of Perantej, shall form the Ahmedabad or the Western Zillah; and the districts situated to the eastward of the Sabumatty with the exception of the city of Ahmedabad, such part of the Dholka Pergunnah as may be situated within this boundary, the pergunnah of Perantej, and the villages before stated, shall form the Eastern Zillah North of the Myhee.

What shall constitute the Eastern Zillah.

Such records to be transferred to the Ahmedabad or Western Zillah Courts as may belong thereto. Zillah court to proceed in suits transferred in same manner as if instituted therein in the first instance.

IV. First.—All suits which may have arisen within the limits of such parts of the late zillah of Kaira, as are now incorporated into the new created zillah of Ahmedabad, and which may be depending, shall be received by, and the papers and documents connected with such suits, transmitted to the Zillah Court of Ahmedabad, and the Judge thereof is hereby empowered to proceed in the trial of the said cases, in like manner as if the suits had been instituted in the first instance in the Court under his authority.

The same principle to apply within the Eastern Zillah.

Second.—The principles of the above Clause shall apply to such parts of the territory comprised in the late Kaira Zillah, as may be incorporated with the Eastern Zillah North of the Myhee.

Civil and criminal prisoners in the gaol at Kaira to be transferred to the zillah to which they may belong.

Third.—The civil and criminal prisoners in the gaol of Kaira, shall also be transferred under this division, to the zillah to which they may respectively belong.

All acts of the judicial and revenue officers from the date of the introduction of the constitution within the late cessions north of the Myhee and in the conquered territories to the date of this enactment, are legalized.

V. All acts done or decisions passed by the revenue or judicial authorities within the recently acquired territories situated to the North of the Myhee, since the date of the Government order partitioning the country into two zillahs, viz. the 10th December 1817, as well as within all the conquered territories alluded to in this Regulation, are hereby considered to have the same force and effect, as if passed subsequent to the promulgation of this Regulation.

The pergunnahs of Oolpar and Turkeyser, and cusba of Mota in Surat Attaveesy, are annexed to the zillah of Surat, as was the pergunnah of Bugwara, or that portion of the territory ceded by the Treaty of Poona, and lying between the Damaun river and the Attaveesy, by an Order in Council bearing date the 17th November 1817.

VI. The pergunnahs of Oolpar and Turkeyser, and cusba of Mota in Surat Attaveesy, are annexed to the zillah of Surat, as was the pergunnah of Bugwara, or that portion of the territory ceded by the Treaty of Poona, and lying between the Damaun river and the Attaveesy, by an Order in Council bearing date the 17th November 1817.

The village of Mugdula, and lands in the village of Peeplod, are annexed to the zillah of Surat.

VII. The village of Mugdula, together with some adjoining lands in the village of Peeplod, situated in the pergunnah of Chourasee, being cessions under the last Treaty of Poona, are hereby annexed to the zillah of Surat.

Regulations I, of 1811, XI, of 1814, and VI, and XII, of 1815, rescinded.

VIII. Regulations I, of 1811; XI, of 1814, and VI, and XII, of 1815, are hereby rescinded.

Annexation of territory to the zillah of Northern Concan.

IX. First.—The tract of the territory situated to the south of the districts of Bailapoor, Autgong and Callian, as far as the river Apta, shall be annexed to the zillah of the Northern Concan.

Conquered territory in the Southern Concan created into a zillah.

Second.—The conquered territory bounded on the north by the Apta river, and on the south by the Carlee or Malwan river, and lying between the ghauts of the Syadree Mountains and the sea, known under the appellation of the Southern Concan, shall be formed into a separate zillah and collectorship, to be denominated the Zillah of the Southern Concan, including within its jurisdiction the territories dependent on Fort Victoria and Malwan.

To be designated the Zillah of the Southern Concan.

And to include the stations of Fort Victoria and Malwan.

The judicial records from Malwan and Fort Victoria to be transferred to the zillah court of the Southern Concan.

X. First.—All suits which may have arisen within the limit of the districts of Malwan and Fort Victoria, now incorporated in the new created zillah of the Southern Concan, and which may be depending, shall be received by, and the papers and documents connected with such suits transmitted to the Zillah Court under which

which these stations are now placed; and the Judge thereof is hereby empowered to proceed on the trial of the said cases, in like manner as if the suits had been instituted, in the first instance, in the Courts under his authority, as if instituted therein in the first instance.

Second.—The civil and criminal prisoners in the gaols of Malwan and Fort Victoria, shall be transferred to such place as shall hereafter be fixed on for the seat of the zillah of the Southern Concan. The civil and criminal prisoners in the gaols of Malwan and Fort Victoria to be transferred to the Sudder station.

Third.—All papers and documents in causes appealed from the decisions of the Judges at Fort Victoria and Malwan, and which may be depending in the Court of Sudder Adawlut, shall be transmitted to the Provincial Court of Appeal; and the Judges of the Court of Appeal are hereby empowered to proceed in the trial of the said cases, in like manner as if the suits had been instituted in the first instance in the Provincial Court. Sudder Adawlut to transfer to the provincial court of appeal, appeals pending from Fort Victoria and Malwan. And that court is the provincial court.

XI. The Laws and Regulations established for the internal administration of the territories under the Presidency of Bombay, and for the collection of the revenues, are hereby declared to be in full force and effect within such parts of the late cessions, as are situated north of the Myhee, and lying within or annexed to Surat Attaveasy, from the 6th of June 1817. The laws and regulations to have effect in the cessions and conquests from the dates specified in this Section.

In the pergunnah of Oolpar from the 28th of November 1817.

And in the conquered territories annexed to the Northern and Southern Concan respectively from the 2d September 1818.

XII. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in any part of the ceded and conquered territories aforesaid, the cause of action in which may have originated previously to a period of twelve years antecedent to the dates of such cessions and conquests respectively. Civil claims originating twelve years antecedent to the dates of cession or conquest, not cognizable by the civil courts.

XIII. The operation of Regulation III, 1814, is limited to the 6th June 1816, in respect to the territories aforesaid; to the 28th November 1816 in respect to Oolpar; and to the 2nd of September 1817, in respect to the conquered territories in the Concan: and operation of Section XIII, Regulation XIV, 1815, in respect to all the territories and places named in the preamble of this Regulation, is limited to the 1st day of September 1819, of which due notice shall be given by the proper local authorities. Limitation of the operation of Regulation III, 1814, prescribed. Operation of Section XIII, Regulation XIV, 1815, limited to 1st September 1819. Of which due notice to be publicly given.

XIV. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territories previously to the dates of cession or conquest, as specified in Section XI. Crimes committed previous to the date of cession or conquest not cognizable by the criminal courts.

XV. Such part of Clause First, Section II, of Regulation VI, 1817, as provides for the establishment of a separate collectorship in the Northern Concan, independent of Salsette, is hereby modified; and the collectorship in the Northern Concan is declared to be co-extensive with the jurisdiction of the Zillah Court, in all matters of revenue, as well as magisterial, under the Regulations now in force. Collectorship of the Northern Concan declared to be co-extensive with the jurisdiction of the zillah court.

XVI. *First.*—Such part of Section VIII, Regulation VIII, 1812, as provides for the general gaol deliveries annually in each zillah, is hereby rescinded. Certain parts of Section VIII, Regulation VIII, 1812, as provide for three circuits in each year rescinded.

Second.—There shall be two general gaol deliveries annually in each zillah, with the exception provided in the following Section: for which purpose the junior Judges shall make two circuits; setting out on the first circuit upon the first day of April, and on the second circuit upon the first day of October, in each year respectively. Two circuits established in each year. Exception.

XVII. The gaol deliveries of the zillah of Surat, the seat of the Court of Circuit, shall hereafter be held quarterly before one of the Judges. Gaol deliveries to be held quarterly in the zillah of Surat.

XVIII. The courts of quarterly gaol delivery established by the preceding Section, shall commence on the first of the months of January, April, July, and October respectively in each year, and shall be superintended by the Judges of the Provincial Court in rotation as follows, viz. In what manner and at what periods the gaol deliveries are to take place.

The chief Judge shall preside at the April and October, or second and fourth quarter sessions of the year; and the January and July, or first and third quarter sessions, shall be held by the second and third Judges alternately.

A. D. 1819. REGULATION IV.

A REGULATION to amend the existing Rules for receiving Complaints in the Zillah Courts against Collectors of the Land Revenue and Customs, Commercial Residents and others, European Public Officers amenable to those Courts, for acts done in their official capacity in opposition to any published Regulation; and to make provision for a special inquiry in certain cases of charge or information against any such officers:—Passed by the Governor in Council of Bombay, on the 14th of July 1819, corresponding with the 7th Assad Vud, Sumbut or Vikramajit era 1875; Salbahan 1741; and 20th Ramzan 1234 of the Hijree.

Preamble.

BY Section VII, Regulation I, A. D. 1800, collectors of revenue and customs and their assistants, (and native officers), and all persons on the part of Government in the manufacture of salt, or in the provision of the investment, are declared amenable to the Zillah Court for any acts done in their official capacity, in opposition to any Regulation printed and published in the prescribed form; it is further provided, by the Regulation referred to, that if the complainant consider himself aggrieved under any published Regulation, by an act done by any of the officers described in pursuance to a special order originating with the Governor in Council, or with respect to demands of revenue, if he admit the demand to be conformable to the engagements or stipulations under which the collector may have made the demand, but deny their validity, or have any objections to them, either wholly or in part, under any Regulation passed by the Governor in Council, the collector or other public officer is not to be liable to personal prosecution on account of such authorized demand, or on account of demands made in conformity to such engagements or stipulations, which are to be held valid until they are set aside or altered by a final judicial decision. In such cases Government is to be considered the defendant, and the person deeming himself aggrieved is directed to present a petition to the Judge of the Zillah Court, having jurisdiction over the officer by whom the act complained of may have been done, stating wherein he considers himself injured under the Regulations, and praying that the Governor in Council will order the Court, in which the cause may be cognizable, to try the points or matters contested agreeably to the Regulations. The Judge to whom any such petition may be presented is required to forward it immediately to the Governor in Council, who has declared that, if he shall not think it proper to afford the redress solicited by the petitioner, and the established Court of Justice shall be competent to try the cause, he will direct the Court in which it may be cognizable to proceed to the trial of it, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer, by whom the act complained against may have been done, is in such cases to defend the suit on the part of Government, under the directions of the Governor in Council, and he is to employ for this purpose the vakeel of Government attached to the Court in which the suit may be tried, but in all other cases, viz. excepting such as are specially declared to be suits against Government, the officer complained against is left to defend the suit by any vakeel he may think proper to employ, and at his own ultimate risk and expense, if his conduct shall appear on judicial investigation, to have been repugnant to, or unwarranted by, the Regulations; though in suits involving any claim to money received or demanded on behalf of Government, all costs of suit are allowed to be disbursed in the first instance, from the public treasury, and the officer complained against is secured from personal loss, if his conduct shall be adjudged by a final decree to have been conformable to the Regulations. A principal object of the provisions was to distinguish suits, in which the collectors and other public officers might become personally answerable for any unauthorized deviation from the rules prescribed for their guidance in the performance of their respective duties, and suits for acts done by them under special orders in the regular discharge of their official functions, in which no personal responsibility could attach to them. A further object was to furnish the Governor in Council with the earliest information of all cases in which individuals might deem themselves aggrieved by acts done in pursuance of special orders from the Governor in Council, that redress might be granted without a judicial process, if it should appear that any real injury had been sustained, or that the

the rights of Government might be defended with full information and advice from the proper departments, if the complaint preferred should, on inquiry, be deemed not to have any just foundation, with a view to simplify the process. It is therefore advisable, that every complaint preferred in the Courts of Civil Justice against any European public officer amenable thereto, should be reported in the first instance, for the information and orders of the Governor in Council. It is also expedient and requisite, that provision should be made for a special inquiry when charges of a serious nature are preferred to any of the established Courts of Judicature authorized to receive such charges, against any of the covenanted servants of the Company employed in situations of trust and responsibility in the judicial, revenue or commercial departments, as well as when any charge or public information of this description may be communicated directly, or through any official channel of communication, to the Governor in Council. By the statute 13 Geo. III, cap. 63, section 33, it is enacted, that "if any of his Majesty's subjects in India, employed by, or in the actual service of the United Company, shall be charged with and prosecuted for any breach of public trust, or for embezzlement of public money or stores, or for defrauding the United Company, every such offender being convicted thereof in the Supreme Court of Judicature, may be fined and imprisoned and judged to be for ever after incapable of serving the United Company." It is further enacted, by the statute 33 Geo. III, cap. 52, section 62, "that the demanding or receiving any sum of money, or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for, or pretended to be for, the use of the Company or of any other person whatsoever, by any British subject holding or exercising any office or employment under His Majesty or the United Company, in the East Indies, shall be deemed and taken to be extortion, and a misdemeanor at law, and shall be proceeded against and punished as such, under and by virtue of this Act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof." These provisions of the British legislature are open to the direct prosecution of the charges therein mentioned before the King's Court at Bombay by any individual who may be desirous of prosecuting such charges in that Court, without the interposition of Government. But individuals cannot be expected, in all cases to prosecute charges of the nature specified (at their own risk and expense) in the King's Court at the Presidency, and when an accusation is preferred to any of the Courts of Judicature, authorized to receive the same, or public information is given to the Governor in Council of corruption, embezzlement, or other gross malversation, breach of trust, or high misdemeanor, by a public officer, it is requisite for the ends of justice, that an immediate inquiry should be instituted for the purpose of ascertaining whether such accusation, or information, be founded or otherwise, in order that in the former case, Government may be enabled to judge, whether such officer deserve any longer to be continued in the employment of the Company, and that (in cases which may appear to require it) the provisions of the law may be carried into effect by a public prosecution in the Recorder's Court, or if the charge shall appear to be unfounded, that justice may be done to the character of the accused. The following Rules are accordingly enacted, and are to be considered in force, as soon as promulgated, in the whole of the provinces subject to the immediate authority of the Presidency of Bombay.

II. Whenever a complaint may be instituted in the manner prescribed by the Regulations in any Zillah Court against a collector of the revenue, or a commercial resident, or a collector of the customs or other duties, or against any assistant to such officers respectively, or generally against any European public officer amenable to the Zillah Court, for any act which, under the Regulations in force, may be cognizable by such Court, and may not be of the nature described in Section VI, of this Regulation, the Judge, previously to calling upon the officer complained against for his answer, shall transmit a copy and English translation of the complainant's petition to the Governor in Council for his information and orders.

Section VI, of this Regulation.

III. On receipt of the reference directed in the preceding Section, the Governor in Council, after making such inquiry as he may judge necessary in whatever mode the circumstances of the case may suggest, will determine, in the event of the redress sued for by the complainant not being granted, whether the suit instituted shall be defended as a public suit by Government, or whether it shall be considered

First process to be observed on the institution of a complaint in a zillah court against a collector, commercial resident, or other European public officer amenable thereto, when the act complained of may not come within the special provisions of

What proceedings will be held, and orders passed by Government on references made to the Governor in Council under the preceding section.

In what respect the judges of the civil courts to be guided by the orders of Government upon such reference.

a private suit, and left to the defence of the person against whom it is brought, or generally what mode of proceeding shall be adopted with respect to the suit in question. The orders of Government in consequence shall be immediately communicated to the Judge of the Court in which the suit may have been instituted, or in which it may be cognizable, and he shall be guided thereby as far as they may respect the general mode of proceeding to be observed by him under the Regulations in force, provided that if the Governor in Council shall order the complaint so referred to be tried in a Zillah Court, either as a public suit against Government or as a private suit against the party whose acts are complained of, the whole of the rules in force relative to the trial and decision of such suits respectively, shall be considered applicable to the trial and decision of the suit in question, in like manner as if no special orders from Government had been received.

Parts of Section X, Regulation VI, 1812, rescinded.

Also Section VIII, Regulation VII, 1812.

IV. Such parts of Section X, Regulation VI, 1812, as relate to charges of corruption against a Judge of a Zillah Court preferred to a Provincial Court of Appeal, as well as Section VIII, Regulation VII, 1812, relative to charges of corruption against the Judge of a Zillah Court, or of the Provincial Court preferred to the Court of Sudder Adawlut, are hereby rescinded.

Parts of Section IX, Regulation IV, 1800, likewise rescinded.

V. Such parts of Section IX, Regulation IV, 1800, as relate to charges of corruption and extortion against the registers or assistants to the Civil and Criminal Courts, or against any other officers of those Courts, being covenanted servants of the Company, are also rescinded.

Inquiry into complaints or charges of corruption, embezzlement, or other gross fraud, breach of trust, or high misdemeanor, against a judicial officer, how to be conducted.

VI. Whenever a complaint or charge of corruption, viz. of the corrupt demand or receipt of money or other valuable thing as a gift or present, or of the embezzlement of public stores, or of any fraud or breach of public trust, or other gross misdemeanor, shall be preferred against any European officer attached, or who had been attached to the judicial, revenue or commercial departments, or when any matter of the nature in question, implicating the conduct of a public officer, shall appear in the course of any proceeding which may come before any superior authority, or be specially reported by a subordinate court or authority, the inquiry into such charge or complaint shall be conducted according to the following Provisions.

Accusations or informations against public officers not to be acted upon, unless averred on oath or under a solemn declaration.

VII. *First.*—With a view to the protection of the characters of the public officers, it is hereby declared, that no accusation or information of the nature above described shall be acted upon, unless the truth of the charge be averred on oath, or under a solemn declaration (if the deponent be of a rank or cast, which would render it improper to require his oath), from the deponent's personal knowledge of the facts and circumstances on which the charge is grounded.

Persons preferring charges to be required to furnish security to prosecute them to a conclusion.

Second.—With a view likewise to the more effectual accomplishment of the purpose stated in the preceding Clause, that is, the protection of the characters of the public officers from malicious and calumnious aspersions, it is hereby declared, that it shall be competent to the Governor in Council and Sudder Adawlut, should it be deemed advisable, to require the person by whom any public accusation or information may be preferred, to furnish such security as may be deemed reasonable, to attend and prosecute the charge to a conclusion, and supposing such security not to have been taken in the first instance, to require it in any subsequent stage of the business, should circumstances appear to render that precaution at any time necessary or proper.

In cases of charges being preferred direct to the superintending authorities, previous examination and investigation to be made whether grounds exist for a regular and formal inquiry.

VIII. *First.*—Whenever any charge or information of the nature above described, shall be preferred direct to the Sudder Adawlut, it shall be the duty of that Court to examine the complainant or informant circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and likewise to make such further general inquiries on the subject, either by a reference to the public records, or by calling on the party accused, for an explanation of the alleged acts of misconduct, or in any other mode which the nature of the case may suggest, as may be sufficient to satisfy the Court whether grounds exist for a regular and formal inquiry into the said charge or information, or otherwise.

Every court of civil judicature receiving such charges to examine the complainant

Second.—In order at the same time to afford sufficient facilities to persons, who may have substantial grounds for complaint against any of the public European officers employed in the judicial, revenue and commercial departments, to obtain redress

redress of any real grievances, it shall be the duty of every Court of Civil Jurisdiction, by which any public charge or information of the nature above described may be received, to examine the complainant or informant, circumstantially on oath, or under a solemn declaration, if he be entitled to be exempted from taking an oath, and transmit the deposition so taken to the Sudder Adawlut, for their further consideration, and for such further general inquiries as may be judged necessary for the purpose stated in the preceding Clause.

on oath and transmit such deposition to the proper superintending authority.

Third.—Should the Sudder Adawlut be of opinion that the charge or information is frivolous and vexatious, they shall merely inform the party that they do not see any substantial reason for entering further into the inquiry.

Superintending authorities may dismiss frivolous or vexatious charges.

Fourth.—Should the Sudder Adawlut be of opinion, after the general inquiries above noticed, that substantial grounds exist for making a regular formal inquiry into the truth of any public charge or information which may be preferred against any European officer subject to their control, they shall submit the documents on which their opinion may be grounded, together with a clear statement of the charges, reduced to distinct heads or articles, which they would propose to be made the subject of a regular investigation, to the Governor in Council for his consideration and orders.

Superintending authorities to report to Government every case in which substantial grounds appear to exist for a regular inquiry.

IX. First.—Should the Governor in Council, on receipt of the report above described, concur thereto, that a regular investigation should be made into the truth of the charge or information preferred against the person accused, he will appoint a commissioner or commissioners for the performance of that duty, who, previously to entering on the discharge of it, shall take the following oath before the Governor in Council, or any person commissioned to administer the same.

Should the Governor in Council concur in such opinion, he will appoint commissioners for making a regular inquiry.

“I, A. B. appointed a commissioner under the provisions of Regulation A. D. do hereby solemnly swear, that I will faithfully and impartially perform the duty committed to me, without fear, favor, or bias, to the best of my ability, knowledge and judgment.
So help me God.”

Oath of commissioner.

Second.—The Governor in Council will at the same time order the commission so appointed, to be holden at such place as may be most convenient, and best adapted to the ends of justice.

The commission to be holden at the most convenient place.

X. First.—Whenever a special commission shall be appointed under the provisions of this Regulation, the Governor in Council will determine whether the commission shall be placed under the control of the Sudder Adawlut, or shall act immediately under the authority of Government: in the former case the commissioners are to apply to the Court of Sudder Adawlut for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by the present, or any other Regulation, and the Court above-mentioned is empowered to pass such orders on the subject, as may appear to be most consonant to the general principles of equity, and most conducive to the purposes of substantial justice; provided, however, that if any doubt or difficulty should arise in the conduct of such investigations, for which it may appear to be advisable to make provision by a general Regulation, the said Court shall prepare the necessary draft of a Regulation for the purpose, and submit it to the Governor in Council, for his consideration.

General control over all commissions under this Regulation to be vested in the Court of Sudder Adawlut or Governor in Council, as the latter shall determine.

Sudder Adawlut empowered to instruct the commissioners on points not provided for when the control is vested in that court. Provision for submitting to Government any new Regulation which may appear advisable in such cases.

Second.—All commissioners appointed to act immediately under the authority of Government shall be guided by the instructions which they may receive in this behalf from the Governor in Council, and in cases where it may appear advisable to make provision by a general Regulation for the removal of all doubts and difficulties which may arise in the conduct of the investigation, the commissioners shall be competent to propose the draft of a Regulation for the purpose, and to submit it to the Governor in Council for his consideration and orders.

Governor in Council to issue instructions to commissioners under his control.

And commissioners in such cases to submit any new Regulation which may appear advisable.

Third.—Provided, however, that in any case wherein the commissioners shall entertain doubts of the intent or meaning of any provisions of this Regulation, they shall submit the point for the consideration of the Sudder Adawlut, and shall be guided by the determination passed by that Court.

Sudder Adawlut in all cases alone empowered to explain to commissioners the true meaning and intent of the Regulation put upon them.

Fourth.—Provided further, that whenever Government shall determine that the commission to be appointed under the provisions of this Regulation, shall not be

Whenever Commissioners are placed under control of the Governor in Council

and not of the Sudder Adawlut, two shall be appointed, one of whom at least to be selected from the judicial department.

placed under the control of the Sudder Adawlut, such commission shall in no case consist of less than two persons, one of whom at least shall be selected from among the officers in the judicial department of the service.

Government will determine whether the accused shall be suspended or permitted to draw his established allowances.

XI. Whenever a special commission may be appointed under the provisions of this Regulation for the investigation of charges exhibited against a public officer, the Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused shall be suspended from the discharge of the functions of his office; and if so, whether he should be permitted to draw the established allowances of his office, or otherwise.

Government will determine whether the prosecution shall be conducted by the accuser or otherwise.

XII. Whenever a charge shall be referred for investigation to a special commission, the Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the Governor in Council will nominate such person or persons as may be deemed proper, to bring the evidence in due order before the commission, to attend the proceedings, and conduct the prosecution on the behalf of Government.

General duty of the commissioners on such investigation.

XIII. *First.*—It shall be the general duty of commissioners appointed under this Regulation, after receiving the plaint, or charge, and this document from which the same may have been prepared, to call upon the person accused for his reply to the accusation; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser, or the accused, as having knowledge of any facts relative to the charges or defence; to receive any further written documents offered in support of, or against the accusation, and to call for and take any further requisite evidence which may be indicated by the witnesses adduced, or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges, or of any part thereof.

Breach of oath liable to the penalties of perjury.

Second.—The wilful and corrupt breach of the oath taken before any commission in virtue of the above Clause, shall subject the offender to the same penalties to which the crime of perjury, as defined in Sections XIII, XIV, and XV, of Regulation III, A. D. 1802, is liable, of which the commissioners before whom the oath is administered shall previously apprise the witness.

Powers vested in the commission.

XIV. For the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a commission constituted under this Regulation, it shall be vested with the same powers as are exercised by the Zillah and City Courts, and if a witness duly summoned shall not attend, or shall refuse to be sworn, or to give evidence, or to subscribe his deposition, provided in all cases that such evidence shall not tend to criminate himself, he shall be sent to the Judge of the Zillah Court to be confined as prescribed by the Regulations in similar cases in the several Courts of Judicature.

Accused and accuser to be at liberty to record observations at the close of the evidence.

XV. On the close of the evidence in support of the prosecution, and in defence of the accused, he shall be at liberty to record any observations upon the result of the inquiry which he may think necessary for the vindication of his conduct and character; the accuser, or person appointed to conduct the prosecution on the part of Government, shall also be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

Commissioners to transmit proceedings, and report to the superintending authorities on the merits of the case.

XVI. When the proceedings of the commission shall have been concluded, as soon afterwards as circumstances may admit, the commissioner or commissioners shall transmit to the Governor in Council, or Sudder Adawlut, as the case may be, the whole of the proceedings held, and documents received (accompanied with translations of papers not in the English language), together with a summary of pleadings and evidence, and his or their opinion on the merits of the case.

Proceedings and report to be submitted to Government by the superintending authorities as they may deem requisite, with their opinion thereon.

XVII. The Sudder Adawlut, when the commission shall be placed under that Court, after duly considering the proceedings and the report transmitted to it under the preceding Section, and after calling for any further evidence which may appear obtainable and requisite, shall submit the whole of the proceedings and documents received, to the Governor in Council, with the opinion of the Court whether any and what facts charged against the party accused appear to have been established.

Government will decide on the case, but such decision not to preclude persons

XVIII. The Governor in Council, on consideration of the report and proceedings submitted to him in pursuance of the foregoing Sections, XVI, and XVII, will pass such decision on the case, as may appear to him most consonant to the principles of justice and

and to the constitutional powers possessed by Government in matters of this description ; provided, however, that if in any case it shall appear to the Governor in Council necessary that further evidence shall be taken, or that a further explanation be given by the commissioners of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor in Council to direct the commissioners accordingly ; and the commissioners shall be authorized and required to take such further evidence, as far as the same may be attainable, and to furnish such further explanation as may be required ; and in the event of the Governor in Council deeming it necessary that the party accused should be brought to trial by a public prosecution in the King's Court, he will issue the necessary instructions for that purpose to the law officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any of the public officers will be at all times at liberty to seek redress in the King's Court in the mode prescribed by law.

deeming themselves aggrieved from seeking redress in the King's Court.

XIX. In cases in which it shall appear on a full investigation of the merits of the case, that the charges on complaints preferred against any of the European officers above-mentioned, are well founded, the person by whom they may have been preferred, shall be at liberty to submit an application to the Governor in Council, or the Sudder Adawlut, praying a reimbursement of the expense which may have been incurred by him in the conduct of the prosecution ; and when such petition may be presented to the latter, it shall be forwarded to Government, with their opinion as to the propriety of indemnifying the party for the expense so incurred, or otherwise. The Governor in Council will of course on receipt of any such reference, as well as on direct applications being made, consider and determine whether it be advisable to comply with the application in question ; but it is to be clearly understood, that Government does not pledge itself to indemnify any person for the expense which may be incurred on occasions of the above nature, whatever may be the result of the investigation, except in cases in which the Governor in Council, in the exercise of a sound discretion, may deem it proper and expedient to do so.

How applications for reimbursement of expenses incurred in such cases, are to be preferred and decided upon.

A. D. 1819. REGULATION V.

A REGULATION to modify and extend the Rules in force which prescribe an Oath of Office to be taken by certain Native Officers ; to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts ; and for extending the principles of Regulation IV, 1819, to the Native Servants of every denomination :—Passed by the Governor in Council of Bombay, on the 14th of July 1819, corresponding with the 7th Assad Vud, Sumbut or Vikramajit era 1875 ; Salbahan 1741 ; and 20th Ramzan 1234 of the Hijree.

WHEREAS with a view to maintain the sanctity and obligation of an oath by confining the requisitions of it to cases in which an oath may be necessary for the validity of evidence and due administration of justice, it appears expedient to modify the rules in force which prescribe an oath of office to be taken by certain native officers of Government, and to extend it to others ; at the same time explaining and amending the existing provisions for civil actions against the law officers and ministerial native officers of the Courts of Judicature, in cases of alleged corruption and extortion : and whereas it is proper that the same provisions should extend to all inquiries ordered by Government into the conduct of any of its native servants, which are enacted by Regulation IV, A. D. 1819, for inquiries into the conduct of European servants, the following Rules have been enacted, to be in force as soon as promulgated throughout the territories dependent on the Presidency of Bombay.

Preamble.

II. *First*.—Such parts of the Regulations in force, as direct that the law officers, or ministerial officers of the Courts of Judicature, civil or criminal, shall take and subscribe an oath previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed ; or which, in like manner, prescribe an oath of office to be taken by the moonsiffs and sudder aumeens, and

Rules in force respecting a prescribed oath to be taken by certain native officers declared subject to modification.

by the native pleaders attached to the Civil Courts, are hereby declared subject to the following modification.

A solemn declaration substituted for the prescribed oath in such cases.

Second.—Instead of the prescribed oath, which is required by the Regulations in force, the several native officers referred to in the above Clause, shall hereafter make and subscribe, in open court before the Judges, a solemn declaration to the same effect with the form of oath heretofore prescribed, except that the word "declare" shall be substituted for "swear," and that the declarer shall not be sworn thereto.

By whom such declarations to be attested, and the above rule to be enforced.

Third.—The Judges before whom such declarations are required to be made and subscribed, shall attest the same as publicly read and subscribed before them, in pursuance of the above Clause, and shall be careful to enforce a due observance of the rules therein contained by the native officers appointed to act under them respectively.

To what native officers the rules so modified are meant to extend.

III. With the modification contained in the preceding Section, the rules in force, which require that certain native officers attached to the Civil and Criminal Courts of Judicature, shall take and subscribe an oath solemnly engaging to perform the duties of the office, committed to them, faithfully and uprightly according to the Regulations, are hereby declared to extend to the native record keepers and tehoudars, or native treasurers of the Civil and Criminal Courts, though not specifically named in Section IV, Regulation IV, 1800, as well as to all the other native officers of Government, employed in the judicial, revenue or commercial departments, or in any public office whatever, holding any situation of trust and responsibility in the public service.

Provisions for an oath to be taken half-yearly by the Mohomedan law officers of the civil and criminal courts rescinded.

IV. The second Clause of Section V, Regulation V, 1800, and Section VI, Regulation VIII, 1812, with any other provisions in the existing Regulations, which require Mohomedan and Hindoo law officers of the Civil or Criminal Courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Explanation of provisions in force for a civil action against the law officers and ministerial native officers of the courts of judicature in cases of alleged corruption or extortion.

V. *First.*—In explanation of the provisions for civil action against the law officers and ministerial native officers of the Courts of Judicature, contained in Regulations IV, and V, 1800, it is hereby declared that those provisions, the principal object of which is to enable individuals who may be aggrieved by any of the native officers in question, to obtain redress by an action in the Civil Courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which may appear to call for exemplary punishment.

In what cases a law officer or ministerial native officer may be prosecuted in the criminal courts on a charge of corruption, extortion or embezzlement.

Second.—Whenever a law officer or ministerial native officer may not, by the result of a civil action, have been subjected to the penalties for corruption or extortion provided for in the above Regulations, and there may appear to be sufficient grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion or embezzlement, he is hereby declared liable to a criminal prosecution before the Criminal Judge and Court of Circuit, as provided for in other cases of misdemeanor by the Regulations, and on conviction before a Court of Circuit or the Court of Superior Tribunal, he shall be subject to discretionary punishment to the extent, and under the provisions stated in Section III, Regulation VIII, 1813, with respect to native officers convicted of making use of the public money entrusted to their care.

And to what penalties liable on conviction.

Third.—Section VIII, of the Regulation above-mentioned, directing a report of convictions and sentences to be made to the Governor in Council, for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present Section.

Report to be made to Government in such cases.

Proceeding to be adopted for the recovery of money or property deposited in the civil and criminal courts and embezzled by the native officers.

VI. *First.*—The Regulations in force not containing any provision for a summary proceeding to inquire into and recover embezzlements of money, or other property paid into or deposited in the Civil or Criminal Courts of Judicature, or received by the nazir, khazanchy or other native officers of those Courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity: and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the Civil or Criminal Courts to deliver up any public accounts

accounts which may have been kept and withheld by them, the following Rules are enacted for this purpose.

Second.—Whenever any native officer attached to a Civil or Criminal Court may be charged with having embezzled any money or other property paid into, or deposited in the Court to which he is attached, or received by him in his official capacity in execution of a decree, or on account of a deposit, or any other account whatever or whenever the Judge or Judges of a Civil or Criminal Court may have reason to suspect any such embezzlement on the part of a native officer attached to the Court, they shall immediately institute a summary inquiry to ascertain the truth of such charge or suspicion, and shall at the same time require the native officer accused or suspected, to give sufficient security for his attendance during the inquiry. In the event of such security not being given, and of its appearing necessary to keep the officer in custody pending the inquiry, it shall be competent to the Judge or Judges to order the same, and to keep the party in custody of peons or to confine him in the gaol of the zillah until he shall give the required security, or his detention appear no longer necessary.

A summary inquiry to be instituted in such cases by the Judge or Judges of the court.

Security to be required for the attendance of the native officers.

Or the officer to be kept in custody.

Third.—When the summary inquiry has been completed, if it be established thereby that any money or other property has been embezzled by the person accused or suspected in his official capacity, he shall be required to pay the same into Court within such time as may be limited for that purpose; and on his failure to comply with such requisition, it shall be recoverable from him as well as from his surety, if he shall have given security on account of the office held by him, by the usual process of recovery in execution of judgments of the Civil Courts.

On proof of embezzlement the amount how to be recovered.

Fourth.—A similar mode of proceeding shall be observed when a native officer attached to any Civil or Criminal Court of Judicature, may withhold any public accounts which it is his duty to prepare and furnish; and the summary judgment in such cases shall not only order the immediate delivery of the accounts withheld, but shall also impose such fine to Government as may appear just and proper, on consideration of all the circumstances of the case, and the situation of the party.

The same course to be pursued when public accounts may be withheld by native officers.

Fifth.—Any person dissatisfied with the judgment of the Zillah Court, given under the provisions of this Section, shall be at liberty to prefer a summary appeal thereupon to the Provincial Court; and provided sufficient security be given for performing the decree of the Provincial Court on the appeal, the decision of the Zillah Court shall not be carried into execution till confirmed by the Provincial Court.

A summary appeal may be admitted by the provincial court from decisions passed in such cases by the zillah and city judges.

Sixth.—In like manner, if the original summary judgment be passed by the Provincial Court, a summary appeal shall lie to the Court of Sudder Adawlut; and the decree of the Provincial Court shall not be executed till it is affirmed by the Sudder Adawlut, if sufficient security be given to perform the judgment of the latter Court on the appeal.

And by the Sudder Adawlut from the decisions of provincial courts.

Seventh.—Provided, however, no final summary judgments, given under the provisions of this Section, shall be open to a further regular suit, but shall be held conclusive upon the merits of all cases so adjudged.

Provido.

VII. First.—Whenever it shall be expedient or necessary that a general previous inquiry into the conduct of any native servants of Government shall be entered upon, it shall be competent (under the special authority of Government for that purpose) to any commissioner or commissioners appointed by Government, to conduct the same under the rules prescribed by Regulation IV, A. D. 1819, for inquiring into the conduct of European servants, which are hereby declared applicable to them.

Commissioners to be appointed, and to inquire into the conduct of all natives in the same manner as is provided for by Regulation IV, A. D. 1819, in respect to European servants.

Second.—Provided, however, that the prosecutions which may ultimately take place against native public officers of Government, shall be laid in the established Courts of Judicature within the jurisdiction in which they may reside or have been employed.

Native officers of Government to be prosecuted in the Courts of the jurisdiction wherein they reside or have been employed.

A. D. 1819. REGULATION VI.

A REGULATION for rescinding such part of Section XL, Regulation IV, of 1818, as may be construed to restrict the authority of Assistant Magistrates to the Towns in which they may be deputed to reside :—Passed by the Governor in Council of Bombay on the 14th July 1819, corresponding with the 7th Assad Vud, Sumbut or Vikramajit Era 1875; Salbahan 1741; and 20th Ramzan 1234 of the Hijree.

Preamble.

WHEREAS inconvenience has arisen from the restriction, which by Section XL, Regulation IV, 1818, is imposed on the discretion to be exercised by magistrates in delegating authority to their assistants, such authority being expressly limited to the jurisdiction of the town in which the said assistants may be deputed to reside; and whereas it has been judged expedient to remove this restriction, and to authorize magistrates to make over the whole, or any part of their duty as magistrates to their assistants, and to depute them to hold their offices in any part of their zillahs which may be deemed proper; the following Rules have been enacted.

Part of Section XL, Regulation IV, of 1818, rescinded, and magistrates authorized to delegate to their assistants the whole or any part of their duty.

II. Such part of Section XL, Regulation IV, 1818, as may be construed to restrict the authority of assistant magistrates to the town in which they may be respectively deputed to reside, is hereby rescinded; and zillah magistrates are hereby declared to be authorized to delegate to their assistants the whole, or any part of their duty as magistrates, and to depute them to hold their offices in any of the districts within their several jurisdictions which may be deemed proper.

A. D. 1819. REGULATION VII.

A REGULATION to amend a part of Section III, Regulation III, 1819, defining the Jurisdiction to which the ceded and conquered Territories recently annexed to the Bombay Presidency shall be subject :—Passed by the Right honourable the Governor in Council on the 4th day of August 1819, corresponding with the 13th Shravan Sood, Sumbut or Vekramajit Era 1875; Salbahan 1741; and 12th Shaval 1234 of Hijree.

Preamble.

WHEREAS by Clause II, Section III, Regulation III, 1819, sixteen villages dependent on the pergunna of Dholka, and situated east of the Saburmatty river, have been annexed to the Western Zillah North of the Myhee; and whereas it will be conducive to the better administration of these villages to annex them to the Eastern Zillah, and thereby preserve the line of boundary between the two zillahs as formed by the Saburmatty river; the following Enactment has been passed, to have effect from the same date as Regulation III, 1819.

Part of Clause II, Section III, Regulation III, 1819, rescinded, and the sixteen villages in the Dholka Purgunna thereby annexed to Western, made a part of the Eastern Zillah North of the Myhee.

II. So much of Clause II, Section III, Regulation III, 1819, which directs that the portion of the Dholka Purgunna, being sixteen villages, situated to the east of the Saburmatty river, shall form a part of the Western, or Ahmedabad Zillah, is hereby rescinded; and the said sixteen villages are hereby annexed to the Eastern Zillah North of the Myhee.

A. D. 1819. REGULATION VIII.

A REGULATION for modifying some of the existing Rules relative to the requisition of security for good Behaviour, and for prescribing Rules for the guidance of the Courts of Criminal Judicature, in cases when persons held to bail may not attend, and when Sureties for the good Behaviour of Individuals have failed in their engagements :—Passed by the Right honourable the Governor in Council of Bombay on the 1st of September 1819, corresponding with the 12th Bhadrupud Sood, Sumbut or Vikramjit Era 1875; Salbahan 1741; and 10th Zilkaad 1234 of the Hijree.

Preamble.

WHEREAS it has been deemed expedient to define the powers to be exercised in future by the Criminal Courts, in requiring security for the good behaviour of persons of a suspicious livelihood, or of notoriously bad and dangerous character:

and

and whereas it is necessary to prescribe rules for the guidance of the Criminal Courts in respect to the manner in which they are to proceed, when persons held to bail may not attend before the Court of Circuit; and also to render them applicable to cases wherein the sureties of persons for good behaviour may be liable to the forfeiture of their recognizance.—The following Rules have been passed, to take effect from the date of their promulgation throughout the Provinces subject to the Presidency of Bombay.

II. In every instance in which security for good behaviour may be hereafter required, whether by the Zillah Magistrates, Criminal Judges, the Court of Circuit, or the Superior Tribunal, the amount of the security, the number of sureties (to be fixed at the discretion of the Magistrate or of the Court requiring the security), and the period of time for which the sureties are to be responsible for the good conduct of the prisoner shall be fixed, and determined.

Nature of the order to be passed by the criminal courts on requiring security for good behaviour from persons of notoriously bad character.

III. The period of time during which such prisoners may be made liable to detention in custody, on failure to furnish the security required from them, shall hereafter be specifically fixed in every instance, except in those cases in which the prisoner may appear to be a notorious robber of a character so dangerous as to render his release, without security, evidently unsafe and objectionable.

Period of time for the eventual detention of such prisoners, to be fixed.
Exception.

IV. *First.*—The Criminal Judges are hereby empowered, at all times, to exercise their discretion in releasing without reference to any other authority, prisoners confined under requisition of security for their good behaviour, whether by their own orders or by those of any other person, discharging the functions of a magistrate; provided the Criminal Judges shall, from whatever cause, be of opinion that such prisoners can be released without hazard to the community.

Criminal judge empowered to release prisoners although the security be not furnished, if the order of detention shall have been passed by persons exercising the functions of magistrate.

Second.—In cases in which a Criminal Judge may, for whatever reason, be of opinion that any prisoner confined under requisitions of security, or good behaviour, by order of a Court of Circuit, or of the Superior Tribunal, can be safely released without such security, the Criminal Judge shall either bring the case before the Court of Circuit at the next ensuing gaol delivery, as prescribed in Section XVII, Regulation IX, 1812, or shall make an immediate report of the case with his sentiments, for the orders of the Court which may have required the prisoner to furnish security previously to his release.

But not to exercise that authority if the order shall have been passed by the courts of circuit or by the superior tribunal.

V. *First.*—No prisoner detained under requisition of security in the zillah in which he has been accustomed to reside, or in which he may have been apprehended, shall be removed to the gaol of a different zillah, unless the Superior Tribunal shall sanction the removal in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

Limitation with regard to the removal of prisoners confined for security, from one district to another.

Second.—The foregoing rule, however, shall not be construed to preclude the removal of such prisoners from one station to another, in cases in which a due regard to the health of the prisoners or to their safe custody, or other emergent circumstances, may, in the judgment of the Superior Tribunal, render that measure necessary or advisable.

Exception to the foregoing rule.

VI. It is hereby declared, that individuals who may become sureties for the good behaviour of prisoners, may at all times obtain a discharge from their future responsibility, by delivering up, or causing to be delivered up, the persons for whom they may have become responsible, to the proper authority or police officer; and that they will not be made responsible for the amount of the security bond in cases in which they may give timely information to the Magistrate or Criminal Judge of the zillah, that the individuals for whom they may have become sureties, have taken to bad courses, and may use every exertion in their power, to the satisfaction of the magistrate, for the apprehension and surrender of such individuals.

On what conditions sureties may be discharged from their responsibility.

VII. *First.*—Whenever the Criminal Judges under the authority vested in them, by the existing Regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe to do so) provide in their order for the release of the prisoner at the end of a definite period, not exceeding twelve months.

The period of detention for security in ordinary cases, decided by the magistrate, not to exceed one year.

Second.—It shall not be necessary for the Judge of Circuit holding the sessions, to revise the proceedings of the Criminal Judge in such cases, except on petitions presented by the prisoners, when the Judge of Circuit holding the sessions is directed and

The judge of circuit holding the sessions may examine the proceedings of the magistrate in such cases, empowered

on petitions presented to him by the prisoners. empowered to call for the proceedings, and on his own authority to annul, modify or confirm the orders of the Criminal Judge.

And may annul, modify, or confirm the orders of the criminal judge.

Criminal judge how to proceed in cases in which it may appear unsafe to release, without security, prisoners of highly dangerous character, at the expiration of the period above limited.

VIII. First.—In all other cases in which the Criminal Judge may be of opinion, from the evidence to general character adduced before him, that the prisoner is by habit a robber, burglar or thief, or a vender or receiver of stolen property, knowing the same to have been stolen, of a character so desperate, dangerous or irreclaimable, as to render his release without security, at the expiration of the limited period of twelve months above specified, hazardous to the community; the Criminal Judges shall record his opinion to that effect, with an order, specifying the amount of security which should in his judgment be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

If due security be not furnished by the prisoner before the next sessions, the proceedings in the case to be laid before the judge of circuit.

Second.—If the prisoner shall not furnish the security so required, before the next sessions of the Court of Circuit, the whole of the proceedings shall be laid before the Judge of that Court, who, after examining them and requiring any further evidence which he may judge necessary, shall be competent from his own authority to pass orders on the case, either confirming, modifying or annulling, the orders of the Criminal Judge, as he may deem proper and equitable.

Orders to be passed by the court of circuit if it shall not appear safe to direct the immediate discharge of such prisoners.

Third.—In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a limited period for his provisional detention (in the event of the prisoner not giving the security required from him) which period shall never exceed three years, except in the cases hereafter specified.

Orders to be passed by the court of circuit, if the prisoner shall appear to be a notorious robber.

IX. First.—In cases in which the Judge of Circuit shall, from the proceedings before him, consider the prisoner to be a notorious robber of desperate or dangerous character, whom it would be unsafe to set at liberty without a substantial security for his future good behaviour, and who, therefore, in default of giving such security should be confined indefinitely, he shall declare and order the same accordingly.

Further provisions for such cases.

Second.—In these cases, however, the Judge of Circuit shall nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order that if the prisoner shall not be able to furnish the security required within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit who may hold the sessions of gaol delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before or on any modified terms favourable to the prisoner.

Rule to encourage respectable individuals to become sureties for such prisoners.

Third.—With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this Section, the period for which the sureties are to be responsible for the good behaviour of individuals, shall be, in all cases, limited to three years, subject, however, to the condition, that the sureties, at the expiration of that period, shall be bound to deliver up the individuals to the Criminal Judge.

Ditto.

Fourth.—When individuals shall be surrendered by their sureties under the foregoing rule, the Criminal Judge shall ascertain whether the former surety is willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years; and in the event of the surety being willing to become again responsible for the conduct of the prisoner, the Criminal Judge shall accept the security, and release the prisoner on the same terms as before.

Ditto.

Fifth.—If the former surety shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the Criminal Judge shall detain him in custody until the ensuing sessions, when the prisoner is again to be brought before the Judge of Circuit for such further orders as he may consider it proper to pass in the case.

Criminal courts how to proceed when persons held to bail may not attend before the Court of Circuit.

X. First.—Whenever a person held to bail for his appearance before a Court of Circuit shall neglect to attend at the appointed time, the Criminal Judge shall call upon his surety or sureties to produce him, and on their failure, shall report the case, with

with reasons assigned by the surety or sureties for the non-fulfilment of their engagement, to the Judge of the Court of Circuit holding the session of gaol delivery, who will determine and instruct the Criminal Judge whether the penalty of the security bond shall be immediately enforced, or whether a further time shall be allowed to the surety or sureties to produce the person for whom they are responsible.

Second.—When the Judge of Circuit, on consideration of the report of the Criminal Judge, shall direct the enforcement of the security bond, the Criminal Judge shall proceed to recover the amount of the penalty from the surety or sureties by the attachment and sale of any property belonging to them, in the mode prescribed for the satisfaction of the decrees of the Civil Court; or if the amount demandable from the surety or sureties be not paid, and cannot be realized from any property belonging to them, they shall be liable to confinement by order of the Criminal Judge, in the civil gaol of the station, during a period not exceeding six months.

Rules for recovery of the penalty from the surety or sureties.

XI. The rules contained in the foregoing section are hereby also declared applicable to cases wherein the surety or sureties for the good behaviour of a person, may have failed in their engagement, so as to make them liable to the forfeiture of their recognizance.

Courts to proceed in same manner, when sureties for good behaviour have forfeited their recognizance.

A. D. 1819. REGULATION IX.

A REGULATION for amending and modifying certain provisions of the Regulations in force relating to the administration of Criminal Justice:—Passed by the Honourable the Governor in Council of Bombay on the 17th of November 1819, corresponding with the 15th of Kartick Vud, Sumbut or Vikramajet Era 1876; Salbahan 1741; and the 28th of Mohurram 1235 of the Hijree.

WHEREAS serious inconvenience has been found to arise under the operation of the rule which disqualifies servants of the Government from attesting confessions, or confirmations of former confessions made before the officers of justice, by persons charged with the commission of criminal acts; it has therefore been deemed expedient, in order to facilitate the administration of public justice, that such disqualifications should be removed: and whereas other modifications and additions have been judged necessary to be made to the existing Regulations relating to the administration of Criminal Justice; the following Rules have therefore been passed, to be in force from the date of promulgation. *Preamble.*

II. Such parts of Section XXIV, Regulation III, of 1818, and Clause third Section XXVI, Regulation IV, of 1818, as prohibit persons being servants of the Government from attesting confessions made by prisoners before magistrates of zillahs or koomashdars; and such parts of Section L, Regulation III, 1818, as prohibit persons being servants of the Government from attesting confessions or confirmations of former confessions made by prisoners before the Criminal Judges of zillahs, are hereby rescinded.

Certain provisions of Regulation III, and IV, of 1818, rescinded.

III. In modification of the provisions contained in Section XX, Regulation III, of 1818, regarding the payment of specific rewards, it is hereby enacted, that all specific rewards offered for the apprehension of persons proclaimed by name, shall be payable on the delivery of the persons so proclaimed to the Zillah Magistrate or Criminal Judge by whom the proclamation may have been issued, or the Zillah Magistrate or Criminal Judge in whose jurisdiction they may have been apprehended.

Modification of part of Section XX, Regulation III, of 1818.

IV. Section XLIII, and XLIV, Regulation IV, of 1818, are hereby rescinded.

Section XLIII, and XLIV, of Regulation IV, of 1818, rescinded.

V. *First.*—For extortion, oppression or other abuse of authority, all native officers of police shall be liable to be sued in the Civil Court or to be prosecuted in a Court of Criminal Judicature.

Police officers liable to a civil action or criminal prosecution, for abuse of authority.

Second.—Whenever a charge of this nature may be preferred before a zillah magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding fifty rupees, or by imprisonment for a term not exceeding one month.

Extent to which police officers may be punished by a zillah magistrate for abuse of authority.

Cases in which they are to be forwarded to the criminal judges.

Criminal judges empowered in cases of theft to adjudge to hard labour for the prescribed term of imprisonment.

Powers of junior assistants to the criminal judges explained.

Section LVI, Regulation III, of 1818, rescinded.

Depositions to be taken and written in the language of the zillah or in that with which the party is most conversant. Papers to be accompanied with translations in English in cases of commitment only.

Third.—In all cases wherein the measure of punishment specified in the preceding Clause shall appear to be insufficient, the party accused shall be forwarded to the Criminal Judge to be by him dealt with according to the general Regulations.

VI. *First.*—In addition to the powers of punishment vested in the Criminal Judges by Clause first, Section XLVII, Regulation III, of 1818, it shall be competent to them in cases of theft, to adjudge hard labour during the prescribed term of imprisonment, whenever it may be deemed necessary.

Second.—The senior assistants to the Criminal Judges having co-extensive judicial powers with the Criminal Judges, it is hereby explained that the second and third Clauses of the Section quoted in the above Clause are solely applicable to the junior assistants to the Criminal Judges.

VII. *First.*—Section LVI, Regulation III, of 1818, is hereby rescinded.

Second.—All examinations and depositions are to be taken and written in the language usually spoken in the country, or in that with which the party may be most conversant; and the Criminal Judges shall in all cases of commitment, and in such cases only, accompany all papers written in the native languages with translations in the English language attested by themselves, and for the accuracy of which they are declared to be responsible.

A. D. 1819. REGULATION X.

A REGULATION for amending Regulation I, 1812, for the trial of persons charged with crimes against the State:—Passed by the Governor in Council on the 24th of November 1819, corresponding with the 7th Magseer Sood Sumbut, or Vekramajet Era 1876; Salbahan 1741; and the 5th Suffer 1235 of the Hijrec.

WHEREAS in the enactment at this Presidency of Regulation I, 1812, the provisions of Regulation IV, 1799, of the Bengal code were adopted, without adverting to the principles which distinguish the Bombay system of judicature in the trial of prisoners, according to the law of their religion, by declaring that a special Court for the trial of persons charged with crimes against the state, shall be formed of three Judges "and two Mahomedan Law Officers," thereby excluding the Hindoo law officers in the trial of prisoners of that religion; and whereas it is expedient to render the provisions of Regulation I, 1812, conformable to the principles which govern the administration of criminal law by the Bombay code, the following Enactment has been passed.

Such parts of Regulation I, 1812, which provide for a special court for the trial of crimes against the state being composed

II. Such parts of Regulation I, 1812, which provide for a special Court for the trial of crimes against the state, being composed of two Mahomedan or any native law officers whatever as judges of such special Courts, are hereby rescinded.

of two Mahomedan or other native law officers as judges of that court rescinded.

To consist in future of three judges, or such other number as may be thought proper, assisted by two Mahomedan, or two Hindoo law officers, according to the persuasion of the persons to be tried, as expounders of the law, previously taking an oath.

III. Whenever the Governor in Council shall think proper to appoint a special Court, not being the Court of Circuit, for the trial of persons charged with crimes against the state, such special Court shall consist of three judges, or such other number as may be thought proper, to be assisted by two Mahomedan or two Hindoo law officers, according to the persuasion of the person or persons to be tried, to expound their respective laws to the Court, or by such other number of law officers as may be thought proper. Such law officers shall be specially appointed by Government; and previously to entering upon the duties of their office, they shall take and subscribe before the Court, an oath, similar to that prescribed for the law officers of the Court of Circuit in Section V, Regulation VIII, 1812.

P A P E R S

RELATING TO

E A S T I N D I A A F F A I R S :

VIZ.

R E G U L A T I O N S

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1820.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

*Ordered, by The House of Commons, to be Printed,
28 March 1822.*

PAPERS RELATING TO

[illegible]

REGULATIONS Passed by the Governments of India in the Year 1820 :—
Presented to the Honourable the House of Commons, in pursuance of an Act
of Parliament, 53 Geo. III. c. 155, sec. 66;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1820 ;

N° I. to VII.

Regulation.

I.—For providing that all Sales of certain Talooks made answerable by Sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII. 1819, for the Sales therein described :— - - - Passed on the 11th January 1820 - - - p. 5

II.—To enable the Magistrate of Hoogly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take cognizance of certain offences committed by Natives within the limits of the Settlements of Chandernagore and Chinsurah :—
 Passed on the 25th February 1820 - - - p. 6

III.—For rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing Coolies or Begarees :— Passed on the 24th March 1820 - - - ibid.

IV.—For declaring the power of the Magistrates to give effect to Military Sentences in certain cases ; for providing for the more efficient exercise of the control of the Courts of Circuit over the Sentences of the Magistrates in certain cases ; and for amending Clause Second, Section III. Regulation XII. 1818 :— - - - Passed on the 21st July 1820 - - - p. 7

V.—For imposing a general Custom duty on Tobacco :—
 Passed on the 25th August 1820 - - - p. 8

VI.—For rescinding Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803 :—
 Passed on the 25th August 1820 - - - p. 9

VII.—For altering the punishment and form of trial, in cases of Dhurna :—
 Passed on the 8th December 1820 - - - ibid.

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1820 ;

N° I. to III.

Regulation.

I.—For rescinding Regulation I. of 1808, and for prescribing the rules under which Arrack, Toddy and other spirituous and fermented Liquors shall be manufactured, and sold within the territories subject to the Presidency of Fort St. George, without the limits of the jurisdiction of the Supreme Court of Madras :— - - - Passed the 2d June 1820 - - - p. 11

II.—For giving greater publicity to certain Clauses of the Act of the 53 Geo. III. c. 155. p. 15

III.—To prohibit the storing of Tobacco within twenty miles of the limits of the Madras Mettus, except by licensed venders :— - - - Passed on the 25th August 1820 - - - p. 19

III.—By the Governor in Council of BOMBAY, in the Year 1820 ;

N° I. to VIII.

Regulation.

I.—For declaring the power of the Governor in Council to provide for the immediate punishment of certain offences against the State by the sentence of Courts-Martial :
 Passed on the 16th February 1820 - - - p. 21

II.—For explaining Regulation I. A. D. 1818, entitled a Regulation for imposing a Duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay ; for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay, and into any port or place whatsoever, within the authority of the Governor in Council of Bombay, or within the limits of the territories dependent on the Presidency of Bombay - - - Passed on the 10th May 1820 - - - p. 22

Regulation.

III.—For annexing to the Zillah of South Concan certain villages on the sea coast in Paut and Ajgaon turufs of the Sawunt warce district, formerly composing part of the territories of the Sawunt warce State and ceded to the Honourable East India Company, and for fixing the Sudder station of that Zillah:— - - - Passed on the 17th May 1820 - - p. 25

IV.—For withdrawing from the jurisdiction of the Regulations of Government the Talooka belonging to the Chieftain of Balaseenor and Veerpoor:— Passed on the 2d August 1820 - - p. 26

V.—For abolishing the Provincial Court of Appeal and adapting the powers, &c. of the Sudder Adawlut to the change; and for removing the latter Court from Bombay to the city of Surat:—

Passed on the 29th November 1820 - - p. 26

VI.—For abolishing the situation of Assistant Judge, and for making certain modifications in the constitution and jurisdiction of Zillah Courts:— Passed on the 29th November 1820 - - p. 30

VII.—For uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, in a court to be styled the Sudder Foujdaree Adawlut; to fix the seat of his court at Surat; and to provide for the appointment of the Judges, and also for prescribing the duties of the court and extending the powers of the Criminal Judges:— Passed on the 29th November 1820 - - p. 42

VIII.—For rescinding Regulation IX. 1812; and for re-enacting its provisions for the guidance of the Courts of Justice, in case of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Court of Sudder Adawlut and Sudder Foujdaree Adawlut:— - Passed on the 29th November 1820 - - p. 51

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1820.—N^o 1. to VII.

A. D. 1820. REGULATION I.

A REGULATION for providing that all sales of certain Talooks made answerable by sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII. 1819, for the sales therein described;—Passed by the Governor General in Council, on the 11th January 1820, corresponding with the 28th Poose 1226 Bengal era; the 11th Maug 1227 Fusly; the 29th Poose 1227 Willaity; the 11th Maug 1876 Sumbut, and the 24th Rubee-ul-uwal 1235 Higeree.

WHEREAS it has been omitted to provide in the rules of Regulation VIII. 1819, whether, in case the proprietor of an estate paying revenue to Government, should desire to bring to sale a saleable tenure of the nature defined in Clause First, Section VIII. of that Regulation for the realization of arrears of rent due thereupon, by any legal process, other than that prescribed by the second and third Clauses of the said Section, such sale should be made in the public manner provided for the periodical sales therein described; and whereas it is consonant with justice, and was intended by the said Regulation, that, in every case of the sale of such tenures for arrears of the zemindar's rent, the sale should be public, for the security of the interests of the owner of the tenure sold; which object can in no manner be duly secured, except the sales to be so made, be conducted by an officer of Government, in the same manner as the periodical sales provided for by Section VIII. of the said Regulation: the following additional rule has accordingly been passed by the Governor General in Council, to take effect from the date of its promulgation, within the several districts of Bengal, including Midnapore. Preamble.

II. *First*.—Whenever the proprietor of an estate paying revenue to Government shall desire to cause any tenure of the nature of those described in Clause First, Section VIII. Regulation VIII. 1819, to be sold for arrears of rent due to him on account thereof, and shall, under any summary process authorized by the general Regulations, have acquired the right of causing such sale to be made, the same shall be conducted, after application from the zemindar, by the register or acting register of the zillah or city court, or in his absence by the person in charge of the office of judge of the district, in the mode prescribed by Regulation VIII. above quoted for periodical sales.

The Rules of Regulation VIII. 1819, for periodical sales for the zemindar's arrears of rent extended to other sales for rent.

Second.—Ten days notice shall be given before proceeding to sale, by proclamation, to be stuck up at the kucheree of the court, and at that of the collector of the district. Ten days notice to be given by proclamation.

Third.—The rules of Sections IX. XI. XIII. XV. and XVII. Regulation VIII. 1819, are extended to all sales made after the manner herein provided.

Sections IX. XI. XIII. XV. and XVII. Regulation VIII. 1819, extended to sales under this Regulation.

A. D. 1820. REGULATION II.

A REGULATION to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take cognizance of certain offences committed by Natives within the limits of the Settlements of Chandernagore and Chinsurah:—Passed by the Governor General in Council, on the 25th February 1820, corresponding with the 14th Phalgun 1226 Bengal era; the 26th Phalgun 1227 Fusly; the 15th Phalgun 1227 Willaity; the 12th Phalgun 1876 Sumbut; and the 10th Jumadee-ul-awal 1235 Higeree.

Preamble.

THE provisions contained in Regulations I. and XVI. of 1805, in Regulation II. 1808, and Regulation IX. 1809, relative to the administration of civil and criminal justice in the settlements of Chandernagore and Chinsurah, have ceased to be in force since the restoration of those settlements to the respective authorities of their Majesties the King of France, and the King of the Netherlands:—It being however necessary to provide for the cognizance of criminal offences of a heinous nature committed within those settlements by Natives of India, to which offences the jurisdiction of the criminal courts established at the settlements of Chandernagore and Chinsurah does not extend, the following rules have been enacted.

Magistrate of Hooghly empowered to receive into his custody certain persons charged with the perpetration of heinous offences in Chandernagore and Chinsurah.

II. *First.*—The Magistrate of Hooghly is hereby declared competent to receive into his custody, natives of India who may be forwarded to him by the superior authorities of Chandernagore and Chinsurah, charged with the commission of murder, robbery, and other crimes of a heinous nature within the limits of those settlements.

Magistrate how to deal with such persons.

Second.—After due examination into such cases, the Magistrate will either discharge the prisoner, or if he shall find sufficient grounds for that measure, will commit the accused to take his trial before the Court of Circuit for the offence with which he may stand charged.

Not to pass sentence of punishment upon them himself.

Third.—The Magistrate will not himself pass sentence of punishment on the accused, although the nature of the charge may be such as would warrant his doing so under the existing Regulations; but will either commit the prisoner to take his trial before the Court of Circuit, or will discharge him, according to the circumstances of the case.

Competency of the Calcutta Court of Circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence.

III. The Court of Circuit for the Division of Calcutta, and the Nizamut Adawlut, are hereby respectively empowered to take cognizance of such cases, and to pass such sentence upon the prisoners as may be conformable to the provisions of the Regulations which are now or may hereafter be in force within the province of Bengal.

Period from which the rules contained in this Regulation are to have effect.

IV. The foregoing provisions are hereby declared to be applicable to persons charged with having committed offences of the nature described in Clause First, Section II. of this Regulation, in the interval between the restoration of the settlements of Chandernagore and Chinsurah, and the date of this Regulation.

A. D. 1820. REGULATION III.

A REGULATION for rescinding some of the provisions of Regulation XI. 1806, and for preventing the practice of pressing Coolies or Begarees:—Passed by the Governor General in Council, on the 24th March 1820; corresponding with the 13th Cheyte 1226 Bengal era; the 25th Cheyte 1227 Fusly; the 14th Cheyte 1227 Willaity; the 10th Cheyte 1877 Sumbut; and the 9th Jumadee-us-Sanee 1235 Higeree.

Preamble.

WHEREAS the authority vested by Regulation XI, 1806, in the collectors and their native officers, and in the magistrates and their police officers, to assist in procuring coolies for the purpose of facilitating the march of detachments of troops, or the progress of individual travellers, has operated to encourage the highly injurious practice which prevails, of forcibly pressing certain classes of the inhabitants of the towns and villages, under the denomination of begarees or coolies, for the purpose of

of carrying baggage or other loads from stage to stage or from village to village; and whereas the Governor General in Council has deemed it expedient to adopt measures for the entire suppression of the said highly objectionable practice, the following rules have been enacted, to have effect throughout the whole of the territories immediately subordinate to the Presidency of Fort William, from the date of their promulgation.

II. Such part of the provisions of Regulation XI. 1806, as authorize the collectors and their native officers, or the magistrates and their police officers, to give their official aid in procuring coolies for the purpose of facilitating the march of troops, or the progress of civil and military officers, or other individuals travelling through the country, either on the public service or on their private affairs, is hereby rescinded.

Part of the provisions of Regulation XI. 1806, rescinded.

III. The practice of pressing or compelling individuals, whether under the denomination of coolies, begarees or any other denomination, to carry burthens, either for the public service or for the convenience of private individuals, is hereby positively prohibited; and the several magistrates and joint magistrates are required to adopt all legal means in their power to put an entire stop to the practice in question, by enquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence, to such penalties as on a consideration of the circumstances of the case may appear to be proper, and consistent with the powers vested in the magistrates by the general Regulations.

The practice of pressing, begarees prohibited;

and the magistrates enjoined to put a stop to the practice by all legal means in their power.

A. D. 1820. REGULATION IV.

A REGULATION for declaring the power of the Magistrates to give effect to Military Sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the Sentences of the Magistrates in certain cases; and for amending Clause Second, Section III. Regulation XII. 1818:—Passed by the Governor General in Council, on the 21st July 1820; corresponding with the 7th Sawun 1227 Bengal era; the 25th Assaur 1227 Fusly; the 8th Sawaun 1227 Willaity; the 11th Assaur 1877 Sumbut; and the 10th Sowaul 1235 Higerce.

WHEREAS doubts have been entertained as to the authority of the zillah and city magistrates, under the existing Regulations, to give effect to the sentence of a general court martial, which may adjudge imprisonment with hard labour among the convicts of the civil power; and whereas it has been deemed advisable to provide for the more efficient exercise of the controul of the Courts of Circuit over sentences passed by the magistrates under Regulation XII. 1818: and whereas it has also been deemed advisable to declare, in amendment of Section III. of that Regulation, that in certain cases of theft, the magistrates shall commit the accused for trial before the Court of Circuit, solely with reference to the amount of the property stolen; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Preamble.

II. It is hereby declared that any zillah or city magistrate shall be competent to give effect to the sentence of a general court martial, adjudging imprisonment with labour among the convicts of the civil power, on the offender being delivered into his custody, and the sentence being certified to him for the purpose of his giving it effect, by the Judge Advocate General, or his deputy, under the authority of the Commander in Chief; and the sentence so certified shall serve as the magistrate's warrant and authority for carrying it into effect according to the terms of it.

Power of the Magistrates to give effect to military sentences.

III. *First.*—In addition to the rule contained in clause first, Section VI. Regulation XII. 1818, as far as regards the separate list of sentences passed by the magistrates under that Regulation, and thereby required to be submitted to the Court of Circuit at the sessions, it is hereby provided, that monthly statements of such sentences shall be submitted to the Court of Circuit at the sudder station, in such form and manner as the Nizamut Adawlut may direct.

What returns of sentences under Regulation XII. 1818, to be submitted to Courts of Circuit.

Second.—It is hereby further provided, that the Court of Circuit at the sudder station, shall be considered competent to call for the proceedings in such cases, where they may see cause, under the general provisions of Section XXIII.

Power of Courts of Circuit to call for cases, on review of such returns.

Regulation IX. 1807, without a petition being presented to that effect; and to pass such orders thereon as they may deem proper and consistent with the Regulations; two or more judges being present if the sentence of the magistrate's court be reversed or altered.

Clause Second, Section III. Regulation XII. 1818, amended.

IV. In amendment of clause second, Section III. Regulation XII. 1818, it is hereby declared, that in cases of theft where the amount or value stolen shall exceed the sum of three hundred rupees, the amount shall be deemed a circumstance taking the case out of the magistrate's jurisdiction as to passing sentence on the accused; and shall make it necessary for him to commit the accused for trial to the Court of Circuit.

A. D. 1820. REGULATION V.

A REGULATION for imposing a general Custom duty on Tobacco:—Passed by the Governor General in Council, on the 25th of August 1820; corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.

Preamble

WHEREAS it has been deemed expedient, with a view to the improvement of the public revenue, to impose a general custom duty on Tobacco within the territories immediately dependent on the Presidency of Fort William; the Governor General in Council, with the sanction of the Court of Directors of the United Company of Merchants trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Part of Regulation IX. 1810, rescinded.

II. *First.*—So much of Clause First, Section XII. Regulation IX. 1810, as enacts that a duty of ten per cent. shall be levied on the importation of Tobacco into the district of Cuttack, is hereby rescinded.

Part of Regulation I. 1812, also rescinded.

Second.—Section IX. Regulation I. 1812, is likewise hereby rescinded.

Tobacco whether in leaf or in a prepared state, declared subject on importation or exportation, to a custom duty of four annas per maund.

III. *First.*—The aforesaid article, whether in leaf or in a prepared state, shall, on its importation or exportation at any port or place within the provinces subordinate to this Presidency, be subject to a custom duty of four annas per maund of forty seer, each seer weighing eighty Calcutta sicca weight.

And also to a transit duty at the same rate.

Second.—The same duty of four annas per maund shall be levied on the transit of the said article from place to place within the provinces subordinate to this Presidency; provided however, that Tobacco which shall have paid the prescribed duty once, whether on importation or transit, shall not be liable to any further duties in passing through the provinces subject to this Presidency, excepting the town or consumption duty payable under the rules of Regulation X. 1810; provided also, that on the exportation of Tobacco on a British bottom to the United Kingdom, a drawback shall be allowed equal to the whole duty which may have been levied under this Regulation, or under the provisions of Regulation X. 1810.

Proviso, in cases where the prescribed duty has been once paid.

Exception as to the town duty payable under Regulation X. 1810.

Proviso, allowing a drawback on Tobacco exported to the United Kingdom on a British bottom.

The prescribed duty on Tobacco to be paid and levied under the rules in force for the collection of Government Customs, and any breach of them declared subject to defined penal-

IV. The duty prescribed by this Regulation shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs, on the importation, exportation, or transit of goods subject to such duties, and any attempt to import, export or transport Tobacco in breach of the said rules and provisions, shall subject the parties offending to the penalties prescribed in Regulation IX. 1810.

A. D. 1820. REGULATION VI.

A REGULATION for rescinding Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803.—Passed by the Governor General in Council, on the 25th August 1820, corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1227 Willaity; the 2d Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.

WHEREAS it being deemed no longer expedient to continue to individuals the privilege of tendering copper for coinage at the Mint at Furruckabad, the following Rule has been enacted, to be in force from the date of its promulgation.

II. Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803, are hereby rescinded.

Preamble.

Sections XLVI.
XLVII. & XLVIII.
Regulation XLV.
1803, rescinded.

A. D. 1820. REGULATION VII.

A REGULATION for altering the punishment and form of trial, in cases of Dhurna :— Passed by the Governor General in Council, on the 8th December 1820; corresponding with the 24th Ughun 1227 Bengal era; the 18th Ughun 1228 Fusly; the 25th Ughun 1228 Willaity; the 3d Ughun 1877 Sumbut, and the 1st Rubee-ul-awal 1236 Higeree.

THE offence denominated Dhurna implies, in its received acceptation, the practice of illegal duress by individuals, for the extortion of money, or for the recovery of debts without authority from the civil magistrate; and also, without such authority, for retaining or recovering the possession of land, or for carrying any other point of real, imaginary or pretended interest or right. On the trial of the offence by a Court of Circuit, the existing Regulations require, that, instead of the futwa of the Mahomedan law officer, usual in other trials, a bebusta shall be taken from the Pundit of the Provincial Court, as to the fact of dhurna (according to the received acceptation) being established, or not, by the evidence adduced. But the Pundit of the Provincial Court being stationary at the sudder station of the Court, this mode of trial has been found to be attended with great delay; as well as otherwise unsatisfactory. And it has been ascertained that the act of dhurna is a misdemeanor punishable in Mahomedan law, under the head of Zulm, or oppression. It having accordingly been deemed advisable, that in trials before a Court of Circuit for dhurna, a futwa should be given by the Mahomedan law officer as in other trials, in lieu of the bebusta hitherto taken; and it having also been deemed advisable that the magistrates should have power to pass sentence in minor cases of the offence of dhurna; and further, that the existing penalties annexed to the offence should be revised and simplified; the following rules have been enacted, to be in force from the date of their promulgation, throughout the provinces immediately subject to the Presidency of Fort William.

Preamble.

II. Sections XI. and XII. Regulation XXI. 1795; Regulation V. 1797; Section VI. Regulation VIII. 1799; Sections IX. and X. Regulation III. 1804; and such other provisions in the existing Regulations as relate to the offence of dhurna, are hereby rescinded.

Notice of Rules re-
scinded.

III. On a complaint in writing being presented to a magistrate against any Brahmin or Brahmins, or against any other person or persons of whatever description, for sitting dhurna, the magistrate, upon oath being made to the truth of the information, shall issue a warrant or summons, (as the case may require,) under his seal and signature, for the apprehension or appearance before him, of the person or persons thus complained against. On the accused being brought before the magistrate, he shall inquire into the circumstances of the charge, and examine the accused and the complainant; and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged; and commit their respective depositions to writing: and after this inquiry, if it shall appear to the magistrate that the misdemeanor charged was never committed, or that there is no ground to believe the accused to have been concerned in

Magistrates how to
proceed on charges
of dhurna.

committing it, the magistrate shall cause him (or them) to be forthwith discharged; recording his reasons for the same. On the contrary, if it shall appear to the magistrate, that the misdemeanor was actually committed, and that there are grounds for believing the accused to have been concerned in the commission of it, the magistrate shall (except in the cases mentioned in Section VII.) cause the accused to be committed to prison, or held to bail (according as in his discretion he shall judge proper) for trial at the next session of the Court of Circuit; and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

Mode of trial for
dhurna before Court
of Circuit.

IV. The trial of persons charged with dhurna, shall take place before the Court of Circuit, in the same mode as is prescribed for other trials by the existing Regulations; and in lieu of the bebusta hitherto taken from the Pundit of the Provincial Court, the Mahomedan law officer of the Court of Circuit shall write his futwa, declaring whether the offence charged is established or not, against the accused.

What punishment for
dhurna adjudicable
by Court of Circuit.

V. On conviction of the offence of dhurna before a Court of Circuit, the penalties adjudicable shall be as follow; namely, imprisonment in the civil jail for a term not exceeding one year, and fine not exceeding one thousand rupees; commutable, if not paid, to further imprisonment for a term not exceeding one year.

Trial, for dhurna
when referable.

VI. Trials held before a Court of Circuit in cases of dhurna, shall be referable to the Nizamut Adawlut, or not, according to the rules applicable in other trials.

In what cases of
dhurna magistrates
may pass sentence
and to what extent

VII. It shall be competent to the magistrates, in charges for the offence of dhurna, which they may be of opinion, from the circumstances, do not require commitment to the Court of Circuit, to hear the evidence against and for the accused; and if they consider the accused to be convicted, to pass sentence of fine not exceeding two hundred rupees; commutable if not paid, to imprisonment in the civil jail for a period not exceeding six months.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*,
in the Year 1820.—N^o I. to III.

A. D. 1820. REGULATION I.

A REGULATION for rescinding Regulation I. of 1808, and for prescribing the Rules under which Arrack, Toddy, and other spirituous and fermented Liquors shall be manufactured, and sold within the Territories subject to the Presidency of Fort St. George, without the limits of the Jurisdiction of the Supreme Court of Madras:—Passed by the Governor in Council of Fort St. George, on the 2d June 1820; corresponding with the 22d Vyasee of the year Vickramah; 1742d year of Saliwahan, and with the 20th Shawbahn 1235 Higerec.

WHEREAS the provisions of Regulation I. of 1808, have been found inefficient to restrain the immoderate use of intoxicating liquors, and are otherwise defective; and it is expedient that the same be revised and amended; and that restrictions be imposed on the sale of toddy, and on the transit and custody of foreign or country spirits; and whereas it is necessary for the due security of the revenue derived from these sources, that discretionary authority be vested in collectors, either to retain the sale of spirituous liquors under their own management on account of the Government, or to rent the same to farmers; and likewise to authorize renters to subrent their farms, and to enable them to recover, by summary process, any arrears that may be due to them by their under renters. The Right Honourable the Governor in Council, has resolved to rescind Regulation I. of 1808; and to enact the following rules, to be in force from the date of their promulgation in the territories subject to the Presidency of Fort St. George, excepting the town of Madras, and the limits of His Majesty's Supreme Court of Judicature.

II. Regulation I. of 1808, and such parts of Section XLIV. and XLV. Regulation IX. of 1816, and of Section XXXVIII. Regulation X. of 1816, as relate to certain clauses of Regulation I. of 1808, are hereby rescinded.

III. All persons are forbidden to manufacture or sell rum, arrack or other spirits; or toddy or other fermented liquors, except in conformity with the provisions of this Regulation.

IV. *First.*—The Board of Revenue are hereby authorized to empower collectors to grant to Europeans, descendants of Europeans, Armenians or other persons whom such collectors may approve, licenses to establish, in such places as may appear to the Board to be proper, distilleries for manufacturing rum, arrack or other spirits, by process of distillation similar to the European system; and such licenses shall accordingly be issued by the collectors under their official signature, on the parties to whom they may be granted executing counterparts of such licenses, to be lodged with the said collectors respectively.

Second.—The license for the establishment of every such distillery, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the spirituous liquor manufactured at such distillery shall be exported by sea.

Third.—Any European or descendant of a European, or other person, who, in breach of the stipulation in his distillery license held under the provisions of this Section, shall directly or indirectly, sell or permit to be sold, any such spirituous liquors

liquors to any European sailor or soldier, or to any Native of India or other person, shall, on proof thereof to the satisfaction of the collector, be liable to the forfeiture of his license, under the orders of the Board of Revenue, to whose final decision every such case shall be referred.

No European British subject to be allowed to establish a distillery until he has produced his license to reside.

Fourth.—It is hereby declared, that no license for the establishment of a distillery shall be granted to any British subject until he shall have complied with the provisions of the Act of the 53d Geo. III. c. 155, clause 108; and shall produce to the collector, the copy duly attested by the Civil Judge of the zillah, of the license granted to him by the Government permitting him to reside at the place in which such distillery is intended to be established.

Penalty for working distillery without license.

Fifth.—Any person who shall be found working a distillery of the kind above specified without obtaining a license, or after the period for which his license was granted, and before obtaining a renewal thereof, or after the forfeiture of his license under the provision of Clause fourth of this Section, shall on proof of the fact before the Criminal Judge of the zillah, forfeit all the spirits manufactured at such distillery, together with all the stills, vessels, and other moveables appertaining thereto; and also the sum of two rupees for every gallon which each still in such distillery is calculated to contain, for each day in which he shall appear to have worked such still in the said distillery without a license.

The exclusive manufacture and sale of spirituous liquors may be farmed out or retained under the orders of the Board of Revenue.

V. First.—The Board of Revenue are hereby authorized to empower collectors, either to retain the exclusive privilege of manufacturing country arrack, toddy and other fermented liquors, as well as the retail sale of foreign or country manufactured spirits, toddy and other fermented liquors, in their respective districts, under their own immediate management, on account of Government; or to rent out those privileges, jointly or separately, for such periods as may be deemed eligible.

Board of Revenue to frame general rules.

Second.—The Board of Revenue are also authorized and directed to frame rules; and from time to time as occasion may require, to alter, amend and enlarge such rules, for regulating the exclusive manufacture and sale of country arrack, toddy and other fermented liquors; and the exclusive sale of foreign spirits; and for determining the places at which stills and shops shall be erected, and the number of such in each zemindaree or other division of territory; the rates to be established, and measures to be used in the sale of such spirits and liquors; the due publication of such rates and measures, and generally all matters relating to the detailed management and control of such distilleries and shops.

No stills or shops to be established but under a license according to a form to be prepared by the Board of Revenue.

VI. First.—Forms of licenses for renting out the exclusive privilege of manufacturing country arrack, toddy or other fermented liquors, and of retailing spirituous liquors, shall be prepared by the Board of Revenue; and no renter shall be allowed to establish a still or shop, until he shall have obtained such license from the collector of the district, and executed a counterpart thereof to be lodged with the said collector.

Specifications of the license.

Second.—The license shall specify the amount of rent by the year to be paid during the period for which the rent is farmed, the amount of the kists, and the times when they are to be discharged, the minimum price at which the liquor is to be sold, the number of stills and shops to be established, and the places at which they are to be fixed. The license shall likewise contain stipulations that the renter shall not allow any noxious ingredients to be used in the preparation and manufacture of liquor; and that he shall use his best endeavours to prevent all forbidden and improper practices at the shops to be opened under his license.

Muchilkas of distillers and venders under the renter.

Third.—Muchilkas or engagements shall be prepared by the Board of Revenue, to be translated into the country languages, particularizing the rules to be observed by persons employed by the renters to superintend distilleries or shops for the manufacture or vend of spirituous liquors.

Muchilkas of distillers what to specify.

Fourth.—The Muchilkas of persons entrusted with the superintendence or management of distilleries shall specify that they will not mix or knowingly permit to be mixed in the liquors distilled at the stills under their charge respectively, any ingredient pernicious to health, such as chunam, oomittakáy or other material intended to increase the power of the spirit, or to add to its intoxicating quality.

Muchilkas of venders what to specify.

Fifth.—The Muchilkas of persons in charge of shops for the retail sale of spirits shall contain stipulations necessary to prevent such shops from becoming places of drunkenness,

drunkenness, or the haunts of thieves or persons of notoriously bad character, and shall forbid the receiving of grain, goods, wearing apparel or other effects, in barter or pawn for liquor, and likewise the selling of liquor to European soldiers and sailors.

Sixth.—Every person placed by the renter, or by the collector when the abkary is retained in his management, in charge of a still or shop shall sign in duplicate the muchilka mentioned in the foregoing clauses, after the same shall have been read over by him, or read and explained to him if he is unable to read it himself. Two creditable persons shall be present when the muchilka is acknowledged and executed by him, and shall sign their names in testimony of such acknowledgment; one copy of the said muchilka shall be deposited with the collector, and the other shall be fixed up in some conspicuous place of the shop or distillery.

Muchilkas how to be executed.

Seventh.—Persons charged with having mixed or permitted to be mixed, noxious ingredients with the liquors prepared or distilled by them, or under their directions, shall be committed for trial before the Court of Circuit, and on conviction of such offence shall be subject to imprisonment and hard labour on the public roads for a period not exceeding three years.

Penalty for mixing noxious ingredients in the distillation of arrack.

Imprisonment and hard labour not exceeding three years.

Penalty for harbouring thieves, &c.

Eighth.—Persons convicted before the magistrate of permitting drunkenness and riot in their shops, or of harbouring thieves or persons of notoriously bad character, or of bartering or pawning liquor for grain, wearing apparel or other effects, shall be sentenced to pay such fine, not exceeding two hundred rupees, as may appear to the magistrate an adequate punishment for their offence; the amount of such fine to be levied by distress and sale of the property of the offender; or, if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, such offender shall be sentenced to imprisonment for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due: provided that such imprisonment shall in no case exceed six months.

Fine not exceeding 200 Rupees;

or imprisonment not exceeding six months.

Ninth.—Any person who shall erect a still, or establish a shop, or sell liquor without a license, or at any other place or places than the place or places mentioned in his license, and kabooleat, or after the expiration of his license and before having obtained a renewed license, shall, on conviction before the Criminal Judge be sentenced to pay such fine, not exceeding four hundred rupees, as may appear adequate to his offence; the amount of such fine to be levied by distress and sale of the property of the offender, or if no property of such offender be found, or not sufficient to pay the amount of such fine, or otherwise in default of the payment of such fine, the offender shall be sentenced to imprisonment and hard labour for such time as may appear to be a fair commutation for such fine or portion of the fine as may be due: provided that for such fine the imprisonment shall in no case exceed twelve months.

Penalty for distilling or selling without a license.

Fine not exceeding 400 rupees;

or imprisonment not exceeding twelve months.

VII. Collectors shall, on requisition made to them to that effect, furnish Criminal Judges of their respective zillahs with lists of the names and residence of all persons authorized to work stills or superintend shops under any of the provisions of this Regulation, specifying the places at which such persons are permitted to establish stills or shops.

Collectors to furnish criminal judges with lists of licensed persons when required.

VIII. Collectors are empowered to proceed against renters under this Regulation for the recovery of arrears due by them, in like manner as for the recovery of arrears from defaulters in the land revenue.

Collectors empowered to recover arrears by summary process.

IX. *First.*—Persons who shall have rented the exclusive manufacture or sale of spirituous liquors, are hereby declared to be authorized to subrent their farms on such pecuniary terms as they may respectively agree upon.

Renters of abkary may subrent.

Second.—It is hereby declared, that the engagements to subrent abkary privileges and farms; as well as receipts and acknowledgments between renters and subrenters, are not required to be written on stamped paper, but shall be exempt from stamp duty in the same manner as instruments of correspondent descriptions which have relation to lands subject to the payment of revenue to Government are exempt therefrom under Clause First, Section XII. Regulation XIII. of 1816.

Agreements to subrent not to be executed on stamped paper.

Third.—Subrenters of the privilege of distilling or selling spirituous liquors shall respectively execute, in the mode prescribed in Clause Sixth, Section VI. of this

Subrenters to execute the Muchilka prescribed in Section VI.

the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and, in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred rupees, to be levied in case of non-payment by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the Presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: Provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: Provided also, that all such fines shall be paid in the first instance, to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the Crown, or other officer to whom it belongs to receive fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: Provided also, that all such convictions shall and may be removable by writ of Certiorari into the said Court of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the Thirty-third year of his Majesty's reign, with regard to other convictions before Justices of peace in the British settlements or territories in India: Provided also, that nothing herein contained shall extend, or be construed to extend to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British subject may be amenable."

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate.

Application thereof.

Convictions removable by Certiorari, and subject to provisions of 33 Geo. III. c. 52.

Justices of the Peace to have jurisdiction in cases of small debts due to natives from British subjects.

"CVI. And be it further enacted, that in all cases of debt not exceeding the sum of fifty rupees, alleged to be due from any British subject to any native of India, resident in the East Indies or parts aforesaid, and without the jurisdiction of the several Courts of Request established at Calcutta, Madras and Bombay respectively, it shall and may be lawful for the magistrate of the zillah or district where such British subject shall be resident, or in which such debt shall have been contracted, to take cognizance of all such debts, and to examine witnesses upon oath, and in a summary way to decide between the parties, which decision shall be final and conclusive to all intents and purposes; and in all cases where any such debt shall be found to be due from any British subject to any such native of India, the amount thereof shall and may be levied in the same manner, and subject to the same regulations and provisions, in respect to the commitment of the debtor, as are hereinbefore made and provided in respect to the levying of fines in case of the conviction of a British subject before such Magistrate.

British subjects residing, or trading, or occupying immovable property ten miles from the presidencies, to be subject to the local civil judicature.

"CVII. And be it further enacted, that all British subjects of his Majesty, as well the servants of the said United Company as others, who shall reside, or shall carry on trade or other business, or shall be in the occupation or possession of any immovable property in any part of the British territories in India, at the distance of

of more than ten miles from the several Presidencies of Fort William, Fort St. George, and Bombay respectively, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have cognizance of civil suits or matters of revenue, either originally or by way of appeal, within the districts or places where such British subjects shall so reside, or carry on trade or business, or possess or occupy immoveable property, in all actions and proceedings of a civil nature, and in all matters of revenue, (except as hereinafter excepted), in like manner as natives of India, and other persons not British subjects, are now liable to the jurisdiction of such Courts by and under the Regulations of the several Governments of Fort William, Fort St. George, and Bombay respectively: Provided always, that no British subject shall be liable to be sued in any such Court in respect of residence, unless he shall have his residence within the jurisdiction thereof at the time of commencing the action or proceeding against him; or that the cause of suit shall have arisen within the jurisdiction of the said Court, and the suit shall be commenced within two years after the cause thereof shall have arisen, and also within six months after the defendant shall have ceased to reside within such jurisdiction; nor shall any British subject be liable to be sued in any such Court in respect of his carrying on trade or business within the jurisdiction thereof, unless the cause of suit shall have arisen within such jurisdiction, and shall relate to the trade or business so carried on; nor to be sued in respect of any immovable property possessed or occupied by him, unless such property shall be situated within the jurisdiction of the Court in which he shall be so sued, and such suit shall be brought to recover the possession or occupation of such property, or for rent, or other demand arising out of the possession or occupation of such property by such British subject: Provided also, that where by the Laws or Regulations in force, or hereafter to be in force, within the provinces respectively subject to the Governments of Fort William, Fort St. George and Bombay aforesaid, it would be competent to a party to any final judgment or decree of any subordinate, civil, or revenue Court of Judicature, to appeal therefrom to the Sudder Dewany Adawlut, or other Court however denominated, exercising within those provinces respectively, the highest appellate jurisdiction in civil suits, it shall be competent to British subjects of His Majesty, in suits commenced against them under the provisions of this Act, instead of appealing to the said Sudder Dewany Adawlut, or other Court so exercising the highest appellate jurisdiction as aforesaid, to appeal to the Supreme Court of Judicature at Fort William, or Fort St. George, or the Recorder's Court at Bombay, according as the suit may have been commenced in the Provinces subordinate to either of the said Presidencies; and such Court shall have the same powers as to suspending or allowing execution of the judgment or decree appealed against, and as to taking security for costs, or for the performance of the decree or judgment of the said subordinate Courts, as the said Sudder Dewany Adawlut, or other such Court as aforesaid, would have had, and shall also make rules of practice for the conduct of the said appeals, in all other respects conforming in substance and effect as nearly as possible to the course of procedure of the said Sudder Dewany Adawlut, or other such Court as aforesaid in cases of appeal: Provided also, that nothing herein contained shall extend or be construed to extend to take away the jurisdiction of the said Supreme Courts of Judicature at Fort William and Madras, or the said Recorder's Court at Bombay respectively; but that all persons having cause of action against any British subject may, at their election, instead of suing in such Provincial Courts as hereinbefore provided, commence and prosecute their said suits in the said Supreme Courts of Judicature, and the said Recorder's Court respectively, in the same manner as before the passing of this Act: Provided also, that nothing herein contained shall extend or be construed to extend, to authorize the holding or occupying of any land or other immoveable property, beyond the limits of the said several Presidencies, by any British subject of His Majesty, otherwise than under and according to the permission of the Governments of the said Presidencies."

Restrictions as to the grounds of jurisdiction of the local judicatures.

Where an appeal would lie to the Sudder Dewany Adawlut, or local Court, British subjects may appeal to His Majesty's Courts.

Not to bar the jurisdiction of the King's Courts.

The plaintiff may sue there at his election.

" CVIII. And be it further enacted, that every British subject of His Majesty, not in the service of His said Majesty, or of the said United Company, who, after the tenth day of April, one thousand eight hundred and fourteen, shall go to, and reside in, any part of the British territories in India, distant more than ten miles from the Presidency to which the same shall be subordinate, with the permission of the Government of such Presidency, or who shall, after the said day, change his residence from one part thereof to another, distant as aforesaid, with such permission, shall procure from the chief Secretary of the said Government or

British subjects allowed to reside more than ten miles from the Presidency shall procure and register certificate of such permission in the Court of the district.

And (uing in any Civil Courts shall produce copy of such certificate, or an affidavit accounting for not filing it.

other officer authorized for that purpose, a certificate signed by the said chief Secretary or other officer, expressing that such British subject has the permission of such Government to reside at such place, specifying the same, and expressing also whether such permission has been granted during the pleasure of such Government or for any limited time; and the said certificate shall be deposited by such British subject in the Civil Court of the district in which he shall so go to reside, within one month after his taking up his residence there, and shall be kept among the records of the said Court, of which certificate so deposited, a true copy attested by the Judge or other officer of such Court thereto authorized, shall be given to the party depositing the same, and shall be deemed and taken in all Courts of Justice, and on all occasions whatsoever, to be good and sufficient evidence of such certificate, unless the contrary shall be shown: and no British subject not in the service of his Majesty or of the said United Company, going to reside in any such part of the British territories, or changing his residence from one part thereof to another, after the said day, shall be allowed, while he so resides, to have or maintain any civil action or proceeding (other than in the nature of an appeal) against any person whomsoever in any Court of civil jurisdiction within the British territories in India, until he shall have filed, in the Court in which such action or proceeding is commenced, a copy of such certificate signed by the Judge of the Court wherein the same is deposited; or an affidavit accounting to the satisfaction of the Court for not filing the same; and if it shall be proved to the Court in which such action is brought, that such British subject is residing at any place within the said territories, distant more than ten miles from the Presidency to which it is subordinate, without such certificate or otherwise than according to the permission contained in such certificate, or that such permission has been revoked, or that, being for a limited time, it has expired and has not been renewed, and that such British subject is therefore residing without permission at more than ten miles distance from such Presidency, such British subject shall thereupon be nonsuited."

Natives of India in service of Company, subject to Provincial Court.

"CIX. And whereas doubts have been entertained whether persons being natives of India, in the service of the United Company of Merchants of England trading to the East Indies, or of any of His Majesty's subjects, are amenable to the jurisdiction of the Provincial Courts established in the East Indies, or whether such persons, being natives of India, in the service of the said United Company, or of His Majesty's subjects, are not exclusively amenable to the jurisdiction of the said Courts at Fort William, Madras and Bombay respectively, and it is expedient that such doubts should be removed; Be it further enacted and declared, that all persons whosoever, being natives of India, who have been, now are, or hereafter may be employed, by or in the service of his Majesty, the said United Company, or of any of his Majesty's subjects, were, and are, and shall be subject and amenable to all Provincial Courts of competent jurisdiction for all crimes and misdemeanors, and in all actions and suits whatsoever, of which such Courts respectively could take cognizance, if the persons having committed such crimes or misdemeanors, or against whom the causes of such actions or suits shall have arisen, had not been employed by, or had not been in the service of his Majesty, or the said United Company, or any of his Majesty's subjects; any law, usage, or practice to the contrary thereof in any ways notwithstanding: Provided always, that nothing herein contained shall otherwise oust the said Supreme Courts of Judicature of Fort William and Madras, and the said Court of the Recorder of Bombay respectively, of any jurisdiction over any natives of India, which such Courts may now lawfully exercise; but such Supreme Courts of Judicature of Fort William and Madras and the said Court of the Recorder of Bombay respectively, as well as the Provincial Courts herein referred to, according to their several jurisdictions, shall have a concurrent jurisdiction over natives of India, employed by or in the service of the said United Company, or any of his Majesty's subjects."

Admiralty jurisdiction of King's Courts extended.

"CX. And whereas the Courts established by the said United Company have no jurisdiction over crimes maritime, and doubts have been entertained whether the Admiralty jurisdiction of his Majesty's Courts at Calcutta, Madras and Bombay, extends to any persons but those who are amenable to their ordinary jurisdiction; by reason whereof failures of justice may arise; Be it therefore enacted, that it shall and may be lawful for his Majesty's Courts at Calcutta, Madras and Bombay, exercising Admiralty jurisdiction, to take cognizance of all crimes perpetrated on the high seas, by any person or persons whatsoever, in as full and ample a manner as any

any other Court of Admiralty jurisdiction established by His Majesty's authority in any Colony or Settlement whatsoever belonging to the Crown of the said United Kingdom."

"CXII. And whereas great inconvenience has arisen from requiring civil servants of the said United Company, and other persons stationed at a distance from the Presidencies, to attend and take the oaths in the Courts of Oyer and Terminer of the said Presidencies, as prescribed by the said Act of the Parliament of Great Britain of the thirty-third year of His Majesty's reign; Be it therefore enacted, that all persons who shall be nominated and appointed in any such commissions of the Peace as are in the said act mentioned, shall be capable of acting as justices of the peace in every respect, according to the tenor of such commissions, upon taking and subscribing in any civil or criminal Court of Justice, within the Provinces in and for which any such commission shall have issued, before any other Justice of the Peace, in the like oaths as are appointed by the said Act to be taken in the Court of Oyer and Terminer of the Province or Presidency for which such persons shall be appointed to act as Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said oaths shall have been administered."

Justices of the Peace may qualify by taking the oaths in any Court of Justice within the Provinces, 33 Geo. III. c. 52.

"CXIII. And whereas it is expedient that the Sudder Dewany Adawlut, and Nizamut Adawlut, or other Provincial Courts, however denominated, exercising the highest jurisdiction within the Provinces respectively subject to the governments of Fort William, Fort St. George and Bombay, should have power and authority to execute process of arrest, either civil or criminal, within the towns of Calcutta and Madras, and the town and island of Bombay, notwithstanding the jurisdiction of his Majesty's Courts established at those places respectively; be it therefore enacted, that it shall and may be lawful for the said Court of Sudder Dewany and Nizamut Adawlut, or other Provincial Courts aforesaid, to execute, or cause to be executed upon all persons subject to the jurisdiction of such Courts respectively, all manner of lawful process of arrest, within the respective limits of the towns of Calcutta and Madras, and of the town and island of Bombay, in the same manner as the said Courts respectively may, by virtue of any power now vested, or hereafter to be vested in them, lawfully execute, or cause to be executed, such process in any place situate without the said limits; any act, charter or other matter or thing whatsoever to the contrary notwithstanding: Provided always, that all such process which shall be executed within the limits aforesaid, shall be in writing, and shall have underwritten or endorsed thereon, or otherwise annexed thereto, a translation thereof, or of the substance thereof, in the English language and character, signed by one of the Judges of the Court from whence the same shall issue."

Provincial Courts of the highest jurisdiction, may arrest in civil or criminal process within the Presidencies, notwithstanding the jurisdiction of King's Courts.

Process to be in writing, with an English translation, and signed by a Judge.

A. D. 1820. REGULATION III.

A REGULATION to prohibit the storing of Tobacco within twenty miles of the limits of the Madras Mettus, except by Licensed Venders.—Passed by the Governor in Council of Fort St. George, on the 25th August 1820; corresponding with the 12th Auvance of the year Vickramah 1742d year of Salewahan, and with the 15th Zeekhad 1225 Higeree.

THE clandestine introduction of tobacco into Madras from stores in the vicinity of the Presidency; the outrages with which this species of smuggling has been attended; and the great loss of revenue which has in consequence been incurred, have rendered it necessary to regulate the mode in which tobacco shall be stored within a certain distance of the range of the Madras Mettus. The following rules have therefore been passed by the Governor in Council, to take effect from the date of their promulgation.

Preamble.

II. First.—No person shall be allowed to store or have in his possession a greater quantity of tobacco than five viss at any place in the zillah of Chingleput less than twenty miles beyond the limits of the Madras Mettus, (as now or hereafter established), except the persons to be licensed by the Collector of Chingleput under Section IV. of this Regulation to vend tobacco to the inhabitants of the places where they reside, and of its vicinity.

Limits prescribed within which tobacco shall not be stored, except for local consumption.

Tobacco stored in breach of the foregoing rule liable to confiscation

Second.—All tobacco stored in the possession of individuals, contrary to the foregoing rule, shall be liable to seizure and confiscation, in conformity with the ordinary rules for the seizure and confiscation of smuggled goods; except that from the proceeds of the sale of tobacco, one half only of the amount of duty shall be deducted, previously to the division thereof under the said rules.

The rule not to be applied to tobacco in transit accompanied with a rowana.

III. *First.*—The foregoing rules shall not be construed to warrant the seizure of tobacco, whatever may be its quantity, which is not permanently stored, but is in transit through the tract specified in Section II. of this Regulation, although the same be temporarily lodged in a house or other building for security; provided such tobacco be accompanied by a rowana, and accord in quantity and kind with the specification of those particulars in the said rowana.

Rowanas for the protection of tobacco through the tract specified, how to be made out.

Second.—The rowanas which the Collector of Chingleput shall grant for the transit of tobacco, through the tract lying within twenty miles of the range of the Madras Mettus, shall specify the time during which they shall be in force.

Collector of Chingleput to license venders of tobacco for the supply of the tract specified.

IV. *First.*—The Collector of Chingleput is hereby authorized to grant to respectable individuals residing in the tract within twenty miles of the Madras Mettus, licenses, according to a form to be prepared by him, and approved by the Board of Revenue, authorizing the persons therein respectively named to store, and to vend tobacco for consumption at the places where they so reside, and in their immediate vicinity.

Venders engagements.

Second.—Every person to whom such license shall be granted shall enter into an engagement, either in the cutcherry of the Collector of the zillah of Chingleput, or in the cutcherry of the tahsildar of the talook, in a penal sum equal to ten times the value of the quantity of tobacco which he shall be allowed to store for sale, that he will not clandestinely introduce, nor connive at the clandestine introduction of any part of such tobacco into Madras, and that he shall forfeit not only all the tobacco so clandestinely introduced or attempted to be introduced into Madras, but also all the tobacco that may be found in his licensed store.

Penalty for clandestinely removing tobacco from the licensed stores.

Third.—Any person who, having obtained a license to store tobacco within the limits above described, shall be detected in clandestinely introducing, or conniving at the clandestine introduction of any part of the tobacco so stored into Madras, or of removing, or permitting to be removed, any part of such tobacco from the store, except for use and consumption at the place of storing, shall forfeit the penalty of his engagement; and shall, moreover, be deprived of his license; and no other license to store tobacco shall thereafter be issued to him. The offender shall further be subject to such punishment as the existing laws shall prescribe for the offence of smuggling.

On receipt of this Regulation, Collector of Chingleput to take security from persons having stores of tobacco within the specified tract.

On failure of security Collector to have joint custody of such tobacco till it is duly disposed of.

V. On receipt of this Regulation, the Collector of Chingleput shall be authorized to require from all persons having stores of tobacco within the limits specified in Section II. of this Regulation, good and sufficient security that they will not clandestinely introduce, nor cause, nor permit the clandestine introduction of any part of the said tobacco into Madras; and in default of such security being given, the Collector shall be at liberty to depute such officer of his establishment as he may think proper, to take an account of the quantity of tobacco so stored, and to have a joint custody thereof with the proprietor, until the said tobacco shall be removed under the Collector's rowana, and conveyed to one of the chokeys within the limits of the Madras Mettus, or elsewhere, for sale or consumption, after payment of the prescribed duties.

III.

REGULATIONS

Passed by the Governor in Council of *Bombay* in
the Year 1820.—N^o I. to VIII.

A. D. 1820. REGULATION I.

A REGULATION for declaring the Powers of the Governor in Council to provide for the immediate Punishment of certain Offences against the State, by the sentence of Courts Martial.—Passed by the Governor in Council on the 16th February 1820, corresponding with the 3d Falgoon Sood Sumbut or Vekramajet era 1876; Salbahan 1741; and 1st of Jumadyoolavul 1235 of the Higreee.

WHEREAS during wars in which the British Government has been engaged against certain of the native powers in India, certain persons owing allegiance to the British Government have borne arms, in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient, that during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories, subject to the Government of the Presidency of Bombay, the Governor in Council should declare and establish martial law, within any part of the territories aforesaid, for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of the persons owing allegiance to the British Government, who may be taken in arms, in open hostility to the said Government, or in actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the territories above specified. The following Regulation has been enacted by the Governor in Council, to be in force throughout the British territories immediately subject to the government of the Presidency of Bombay from the date of its promulgation. Preamble.

II. The Governor in Council is hereby declared to be empowered to suspend, or to direct any public authority, or officer, to order the suspension of, wholly or partially, the functions of the ordinary criminal Courts of Judicature, within any zillah, district, city or other place, within any part of the British territories, subject to the government of the Presidency of Bombay, and to establish martial law therein, for any period of time while the British Government in India shall be engaged in war with any native or other power; as well as during the existence of open rebellion against the authority of Government, in any part of the territories aforesaid, and also to direct the immediate trial, by Courts Martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being resident, within its territories, and under its protection, who shall be taken in arms, in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the said territories. The Governor in Council, in time of war, or during the existence of rebellion, empowered to suspend, or to direct any public authority or officer to suspend, the functions of the ordinary criminal Courts of judicature in any district, city or other place within the British territories, and to establish martial law therein; and to direct the immediate trial, by courts martial, of all persons owing allegiance to the British Government, who shall offend against this Regulation.

Persons owing allegiance to the British Government, who shall be convicted by the sentence of a Court Martial, of any of the crimes specified in the foregoing Section, shall be liable to the immediate punishment of death;

and to the forfeiture of their property and effects.

The Governor in Council not precluded by this Regulation from causing persons charged with any of the offences described in it, to be brought to trial before the ordinary Courts of Justice, or before any special Courts.

III. It is hereby further declared, that any person born, or residing under the protection of the British Government, within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof, by the sentence of a Court Martial, during the suspension of the functions of the ordinary criminal Courts of Judicature and the establishment of martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hanged by the neck till he is dead. All persons who shall, in such cases, be adjudged by a Court Martial, to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

IV. The Governor in Council shall not be precluded, by this Regulation, from causing persons charged with any of the offences, described in the present Regulation, to be brought to trial, at any time, before the ordinary Courts of Judicature, or before any special Court appointed for the trial of such offences, under Regulation X. 1819, instead of causing such persons to be tried by Courts Martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

A. D. 1820. REGULATION II.

A REGULATION for explaining Regulation I. A. D. 1818, entitled, "A Regulation for imposing a duty on all Opium made out of the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay;" and for the more effectually preventing the clandestine importation of Opium into the town and island of Bombay, and into any port or place whatsoever within the authority of the Governor in Council of Bombay, or within the limits of any of the territories dependent on the Presidency of Bombay.—Passed by the Honourable the Governor in Council of Bombay, on the 10th of May 1820, corresponding with the 13th of Vaisack Vud Sumbat, or Vickramajet era 1876; Salbahan 1742; and 26th Rujub of the Hejree.

Preamble.

WHEREAS in and by the said Regulation I. 1818, a duty at the rate of twelve rupees per surat seer was imposed on all opium, excepting opium made within the limits of the territories immediately dependent on the Presidency of Fort William, imported or brought into any port or place within the limits of the territories dependent on the Presidency of Bombay; and whereas doubts have arisen whether the provisions of the said Regulation extended to such opium imported or brought into the town or island of Bombay; and whereas also, it is expedient to make further Regulations respecting such duty, and to impose further fines, penalties and forfeitures for the non-payment of such duty, and for the breach of the above recited Regulation; the Honourable the Governor in Council accordingly hereby enacts and declares as follows:—

Regulation I. of 1818 in force in Bombay, and in all places within the authority of the Government of Bombay.

II. That the said Regulation I. 1818, and the provisions contained therein, were and are in force, in respect of, and do extend to and shall be applied, practised and put in execution, for and in respect of all opium, except as therein excepted, imported or brought, as well into the said town and island of Bombay, and into any port or place whatsoever within the authority of the said Governor in Council in Bombay, as into any other port or place within the limits of any of the territories dependent on the Presidency of Bombay.

All opium imported therein contrary to this Regulation and I. 1818 shall be deemed smuggled and forfeited to the East India Company, together with the

III. That all opium which shall be imported or brought into the said town or island of Bombay, or into any other port or place whatsoever within the authority of the said Governor in Council, or within the limits of any of the territories dependent on the said Presidency of Bombay, in any manner contrary to the provisions of this and the said recited Regulation, shall be taken and deemed to be clandestinely imported and smuggled, and shall be forfeited to the United Company of merchants

merchants of England trading to the East Indies, together with the packages, in which the same is packed and contained, and also all the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, removing or carrying the said opium; and such opium, and the packages containing the same, if found by any officer or officers of the Custom House, or of the Collector, or of the Magistrates of Police, in the custody of any person or persons being in any ship, vessel or boat, or carrying and conveying the same on land, together with the ships, vessels, boats, camels, horses, bullocks and other cattle, or carriages, shall and may be stopped and seized by any such officer or officers, who are hereby authorized and required to put and secure such opium and the packages containing the same, in some house, warehouse or godown belonging to the said Company, in the port or place next to the place where such stoppage and seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such stop or seizure shall be made at a place within the limits of the jurisdiction of the said Court of Petty Session, that the said opium has been duly imported according to the provisions of the said recited Regulation, and that the duties on the said opium have been paid or secured; and in case such stoppage and seizure shall be made at any other place beyond the limits of the said jurisdiction, until the claimer shall make like proof before any magistrate of the district within which such stoppage and seizure shall be made; provided such proof be made within ten days after the said stoppage and seizure shall have been made; in failure whereof, the said opium and the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriage used in removing, carrying or conveying the same, shall be forfeited, one third thereof to the informer, the other two thirds to the United Company of Merchants trading to the East Indies. • be forfeited, one third to the informer and two thirds to the Company

packages containing, or vessels or animals conveying the same.

Officers of the Customs and others authorized to seize,

and secure the same in Government warehouse next to the place of seizure,

till the claimer make proof of the legal transit of the opium; if in Bombay, before the petty sessions;

If in any subordinate district before the magistrate of such district

within ten days after the seizure; on failure, the opium with the packages containing, and vessels and animals conveying it, shall

IV. And for the more effectually discovering and detecting the clandestine importation of opium, it is hereby enacted by the authority aforesaid.

First.—That if any credible person shall give information on oath before the Collector of the Customs of Bombay, or the Collector of Bombay, or before any Magistrate or Collector of any the territories within the authority of, or dependent on the said Government of Bombay, that any smuggled or clandestinely imported opium is harboured, kept and concealed in any ship, boat or other vessel, or in any house, shop, cellar, warehouse, godown, room, compound, field, garden or any other place whatsoever, the said Collector of the Customs, the said Magistrate or Collector, before whom such information on oath shall be given, is hereby authorized and required to issue his warrant under his hand and seal sent to a constable or other public officer, or to any trust-worthy person or persons, commanding the said constable, public officer, or other person or persons to whom the said warrant shall be so directed, to enter, in the day time, any such ship, boat, vessel, house, shop, cellar, warehouse, godown, room, compound, field, garden or place, as may be specified in the said information, or pointed out by the said informer, and in case of resistance, to break open doors, chests, bales of goods, and other packages, and there to search for and to seize, and from thence to bring all such smuggled or clandestinely imported opium as shall there be found, together with the contents of such chests, bales of goods, or other packages in which the same may be found, and to put and secure the same in some warehouse, or other house or godown belonging to the said Company, in the port or place next to the place where such seizure shall be made, there to remain until the claimer of the same shall make proof before the Court of Petty Sessions for the town and island of Bombay, if such seizure shall be made at any place within the limits of the jurisdiction of the said Court of Petty Sessions, that the said opium has been duly imported according to the provisions of this and the said recited Regulation, and that the duties on the said opium have been paid or secured; and if such seizure shall be made at any other place beyond the limits of the said jurisdiction, until the claimer shall make like proof before a magistrate of the district within which such seizure shall be made; provided always, that such proof be made within ten days after the said seizure shall have been so made, in failure whereof, the said opium, together with all and every chest, bale of cloth, and other package, and the whole of the contents of such chest, bale or package, shall be forfeited; one third thereof to the informer, the other two thirds to the United Company of Merchants of England trading to the East Indies.

On information of smuggled opium being in any place, given on oath, to any Collector of Customs, or Collector or Magistrate:

such Collector or Magistrate is to issue his warrant for the search of the places pointed out, and seizure of the opium, with the packages and vessels containing it.

and the same shall be lodged in a Government warehouse next the place of seizure, until the claimer make proof of the legal import of the opium; if in Bombay, before the petty sessions; if in any subordinate district, before the Magistrate of such district;

within ten days after the seizure.

On failure, the opium with its package or chest and all contents of such package shall be forfeited, one third to the informer and two thirds to the Company.

Any person knowingly keeping or concealing smuggled opium shall forfeit the opium and double the value of it, and double the amount of the established duties upon it.

Secondly.—That in case any person or persons whatsoever shall knowingly harbour, keep or conceal, or shall knowingly permit or suffer to be harboured, kept or concealed, such clandestinely imported opium, the party or parties offending therein, whether he, she or they have not, or do or do not claim or pretend to have any property or interest in such opium so harboured, kept or concealed, shall for every such offence forfeit and lose all such opium so harboured, kept and concealed, and double the value thereof, together with double the full amount of the duty imposed on such opium by the said recited Regulation.

Seizures of opium to be prosecuted, if not exceeding one maund, or, including packages, &c. rupees 500, in a summary way, and determined, if to Bombay, before the Court of Petty Sessions.

If in any subordinate districts before the Magistrate of such district.

And which Court of Petty Sessions or Magistrate is empowered to summon the party from whom the seizure was made, at a time and place prefixed;

and to examine and proceed to condemn such opium as may be found to be forfeited, with the packages containing, or vessels or animals by which it was conveyed; and to issue warrant for the sale thereof.

If exceeding one maund, or the packages the value of rupees 500, the seizure made in Bombay, to be prosecuted in the Court of Recorder;

if in any subordinate district, in the Court of Adawlut of such district.

V. It is hereby also provided, enacted and declared, by the authority aforesaid, that where any opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, all such seizures shall and may be prosecuted in manner hereinafter mentioned, that is to say; *First*, In every case where the whole quantity of the opium, at any one time, for that cause seized, doth not exceed one maund; or the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, receiving, or carrying the said opium, do not exceed in value 500 rupees, such seizure shall, and may, in a summary way be proceeded upon, heard, examined into and determined in the manner hereinafter mentioned, that is to say, in case such seizure shall happen to be made in any place within the limits of the jurisdiction of the Court of Recorder in Bombay, the same shall and may, in a summary way, be proceeded upon and examined into, heard, adjudged and determined by and before the said Court of Petty Sessions; and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may, in a summary way, be proceeded upon, examined into, heard, adjudged and determined by and before the magistrate residing near to the place where such seizure or seizures shall be made; and which said Court of Petty Sessions and Magistrates respectively, within their respective jurisdiction, shall be and are hereby authorized and empowered to cause the respective person or persons, in whose custody such opium so to be seized as aforesaid, was found at the time of the seizure thereof, to be summoned to appear before the said Court, at a certain time and place to be prefixed by the said Court and the said Magistrates respectively, who are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such opium so seized, as upon due examination shall be found to be forfeited by virtue of this and the said recited Regulation, together with the packages containing the same, and the ships, vessels, boats, camels, horses, bullocks, cattle and carriages used in removing, carrying or conveying the same, and to issue their warrants for the sale thereof.

Secondly.—In every case where any opium shall be seized as forfeited by virtue or in pursuance of this and the said recited Regulation, and where the whole quantity of the opium at any one time for that cause seized doth exceed one maund, or the ships, vessels, boats, camels, horses, bullocks or other cattle, or carriages used in the importing, removing or carrying the said opium, do exceed in value rupees 500, all such seizures shall and may be prosecuted in manner thereafter mentioned, that is to say, in case such seizure happen to be made in any place within the limits of the jurisdiction of the Court of the Recorder of Bombay, by information to be exhibited in the said Court, and in case such seizure or seizures shall happen to be made out of the limits of the local jurisdiction of the said Court of Recorder, then and in such case the same shall and may be prosecuted by suit in any Zillah Court established within the districts or places where such seizure or seizures shall be made, and having cognizance of civil suits.

A. D. 1820. REGULATION III.

A REGULATION for annexing to the Zilla of South Concan certain villages on the Sea Coast in Paut and Ajgaon turufs in the Sawunt Waree district, formerly composing part of the territories of the Sawunt Waree state, and ceded to the Honourable East India Company; and for fixing the Sudder station of that Zilla.—Passed by the Honourable the Governor in Council on the 17th May 1820; corresponding with the 5th First Jest Sood Sumbut or Vekramajet era 1876; Salbahan 1742; and the 4th Shaban 1235 of the Hijree.

WHEREAS the sea coast villages in the turuf of Paut and Ajgaon have been ceded to the Honourable the East India Company in full sovereignty by the Sawunt Waree state, it has been judged advisable to annex the same to the zillah of South Concan; and whereas no Sudder station has as yet been fixed on for this zillah, the following rules have been enacted: Preamble.

• II. The under-mentioned villages on the sea coast of the turuf of Paut and Ajgaon shall be annexed to the zillah of South Concan, and the laws and regulations established for the internal administration of the zillah are hereby declared to be in full force and effect in the afore-mentioned cession from the 17th of February 1819, being the date from which the authority of the British Government has effect in these territories, viz. Raree Arowlee, Seerowdee, of Ajgaon, and Dabolee, Kanolee, Keyloos, Mahapun, Konchurey, Purolen of Paut. Villages in Paut and Ajgaon annexed to the zilla of South Concan.

III. The Courts of Civil Judicature shall not be deemed competent to take cognizance of civil claims in the afore-mentioned cession, the cause of action in which may have originated previously to the 17th of February 1807, being a period of twelve years antecedent to the said cession. Date from which Civil Courts shall take cognizance of suits.

IV. The operation of Regulation III. 1814 is limited to the 17th of February 1819, and of Section XIII. Regulation XIV. 1815 to the 1st day of January 1821, of which due notice shall be given by the proper authorities. The operation of certain Regulations limited.

V. The Courts of Criminal Judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the aforesaid territory previously to the date specified in Section II. Date from which Criminal Courts shall take cognizance.

VI. The Sudder station of the Zilla of South Concan shall be fixed at the town of Rutnagiree, and the public authorities shall be removed thereto as soon as the Governor in Council shall direct. Rutnagiree the Sudder station of South Concan.

A. D. 1820. REGULATION IV.

A REGULATION for withdrawing from the jurisdiction of the Regulations of Government, the Talooka belonging to the Chieftain of Balaseenor and Veerpoor.—Passed by the Honourable the Governor in Council of Bombay on the 2d of August 1820, corresponding with the 9th Assad Vud Sumbut or Vekramajet era 1876; Salbahan 1742; and the 22d Shaval 1235 of the Hijree.

WHEREAS the Honourable the Governor in Council of Bombay is pleased to declare that the talooka belonging to the tributary chieftain of Balaseenor and Veerpoor shall not be held subject to the Regulations of Government, the following enactment has accordingly been passed, to be in force from the date of its promulgation. Preamble

II. Such parts of Regulation III. 1819, as relate to the incorporation of the talooka of Balaseenor and Veerpoor into the eastern zillah, north of the Myhee, are rescinded. Balaseenor and Veerpoor withdrawn from the jurisdiction of the eastern zilla, north of the Myhee.

III. All suits which may have arisen within the limits of the talooka, and which may be depending, shall be struck off the file of the Zillah Court, and the value of stamp paper paid by the parties in such suits shall be returned to them. Suits from Balaseenor and Veerpoor to be struck off the file and value of stamp paper to be returned to the parties.

Civil and criminal prisoners from Bala-
seonor and Veerpoor
to be delivered to
the chieftain of the
talooka.

IV. The civil and criminal prisoners in the jail of the eastern zillah, north of the Myhee, who may belong to the talooka, and not otherwise subject to the jurisdiction of the Zillah Court under the general regulations, shall be delivered over to the chieftain.

A. D. 1820. REGULATION V.

A REGULATION for abolishing the Provincial Court of Appeal, and adapting the powers, &c. of the Sudder Adalat to the change, and for removing the latter Court from Bombay to the city of Surat.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajcet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

Preamble.

WHEREAS it has been deemed essential to the impartial, prompt and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor in Council of Bombay, exercising the legislative and executive authority of the state, should administer the judicial functions of the Government, by the means of Courts of Justice, distinct from the legislative and executive authority; and whereas it has likewise been deemed advisable, with the view to shorten and simplify the process of litigation, to abolish the Provincial Court of Appeal, the following enactment is passed, to have effect from the 1st of January 1821.

Provincial Court of Appeal abolished, and all Regulations relative thereto rescinded.

II. The Provincial Court of Appeal instituted by Section III. Regulation II. 1805, is hereby abolished, and that Section rescinded, together with Regulation VI. 1812, and all such parts of the Regulations in force as relate to that Court.

Regulations rescinded, in order to adapt the Sudder Adalat to the change.

III. In consequence of the abolition of the Provincial Court of Appeal, it is necessary that the powers of the Sudder Adalat should be adapted to the change; Regulations VII. of 1800, and VII. of 1812, are therefore rescinded.

Sudder Adalat transferred to Surat, and to consist of four judges, covenanted civil servants of the Company. Their denomination.

IV. The Court of Sudder Adalat shall be transferred from Bombay to the city of Surat, and henceforth consist of four judges, to be appointed by the Governor in Council from among the covenanted civil servants of the Company, and to be denominated, chief, second, third, and fourth judges of the Sudder Adalat.

An oath prescribed to be taken by the several judges.

V. The Chief Judge, and each Puisne Judge, who may be appointed to the Court of Sudder Adalat, previous to entering on the duties of his office, shall take and subscribe the following oath before the Governor in Council, or any person he may commission to administer it.

The oath.

I, *A. B.* appointed Judge of the Sudder Adalat, solemnly swear, that I will administer justice conformably to the Regulations that have been, or may be passed by the Governor in Council, according to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or nuzur, either of money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court of Sudder Adalat, of which I am appointed a Judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzur, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or has been decided in the Court; that I will render a true and faithful account of all sums of money that may be paid into the Court or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of goods or commodities in the British dominions under the Presidency of Bombay, for the purpose of remitting money to Europe, or in any commercial transaction; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive. So help me God.

VI. There shall be a Register and an assistant to the register of the Sudder Adalat; previous to entering on the duties of their office, they shall take and subscribe in open Court, the oath directed to be administered in Section III. Regulation IV. 1800.

Register and assistant to the register to be appointed; oath to be taken by them.

VII. There shall be two Mahummedan law officers, a kazeer and moulawee, and two pundits, appointed to the Sudder Adalat, under the provisions of Section II. Regulation V. 1800: previous to entering on the duties of their offices, they shall make and subscribe in open Court, a solemn declaration in the manner prescribed by Section II. Regulation V. 1803, with reference to Section V. Regulation V. 1800.

Law officers to be appointed; oath to be taken by them.

VIII. There shall be one surishtadar and a deputy for each of the languages used in the zillahs subordinate to the Sudder Adalat, viz. Persian, Goozerattee and Marhatta: they shall each make a solemn declaration, as prescribed by Section II. Regulation V. 1819, previous to entering on their duties, and in like manner, every officer of the Court on his appointment.

Surishtadar and deputies to be appointed; oath to be taken by them as well as every other officer.

IX. The jurisdiction of the Sudder Adalat, shall extend over the zillahs of Surat, Broach, Eastern Zillah north of the Myhee, Ahmudabad, North Konkan and South Konkan, and over the district of Anjar.

Jurisdiction of the Court.

X. The Court of Sudder Adalat shall be an open Court, and be holden in a large and convenient room, three days in every week, or oftener if business shall require it, and no rule, order, proceeding or decree is to be made, but on Court days, and in open Court.

Court to be held in a large room three days in each week, or oftener if necessary, decrees, orders, &c. to be made on court days, and in open Court.

XI. The Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, "in the Persian, Goozerattee and Marhatta languages, " the seal of the Sudder Adalat."

Seal of the Court.

XII. The Sudder Adalat is prohibited from corresponding by letter with parties in suits, or process, or matters depending before it, or coming within its cognizance. If a party in a suit, or any person amenable to the jurisdiction of the Court, shall have any matter to represent to the Court, he shall either appear in the Court in person, and represent the matter in writing; or shall make the representation in writing through an authorized wukeel; the Court shall pass such order upon the representation, as shall appear to it proper, consistently with the Regulations: and shall cause a copy of the order, under the seal of the Court, and attested by the register, to be delivered to the person making the representation, or to his wukeel.

The Court is not to correspond with parties in suits, or any persons, respecting matters before the Court, or cognizable by it.

XIII. *First.*—The Sudder Adalat is empowered to receive any original suit or complaint which may be cognizable in any Zillah Court, and to command the Judge of such Court by a precept, under the seal of the Court, and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it; provided proof shall be previously made to its satisfaction, that the Judge refused or omitted to proceed in it; if the plaintiff shall refuse or neglect to proceed in the suit or complaint for the period of six weeks after the order of the Sudder Adalat may be received by the Zillah Court, and notified to the complaint, the Judge is authorized to dismiss it, notwithstanding the order of the Sudder Adalat. In such cases, the Judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Adalat, under his hand and the seal of the Court, that the suit or complaint has been dismissed, and the grounds of dismission.

Cases in which the Court is empowered to refer original suits to Zilla Courts to be tried and determined.

Suits or complaint to be dismissed, if the party preferring it shall refuse to proceed in it for six weeks.

Judge to notify the dismission of the suit to the Sudder Adalat.

Second.—The Sudder Adalat is vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided, in any Zillah Court; and provided it shall be proved to its satisfaction that the petition was presented to the Judge of such Court, and that he refused or omitted to receive it, and proceed on it; the Sudder Adalat is empowered to issue a precept, under the seal of the Court, and attested by the register, commanding the Judge of the Zillah Court to receive the petition, and to proceed respecting it, according to the Regulations.

Cases in which the Sudder Adalat may receive petitions respecting suits or matters depending, or which may have been decided in any Zilla Court.

Court how to proceed with such petition.

XIV. In all proceedings of the Sudder Adalat, the Court shall proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations and exceptions, as are prescribed to the Zillah Courts, except as to hearing of witnesses and receiving evidence.

The Court is to be guided by the rules prescribed to Zilla Courts.

Exceptions.

XV. *First.*

From what decrees of the Zilla Court, a regular appeal is to be to the Sudder Adalut.

XV. First.—If any person shall deem himself aggrieved by the decree of a Zillah Judge, in a civil suit, tried and determined by him in the first instance, or by the decree of a register in a suit exceeding 500 rupees in value or amount, such person shall be at liberty to prefer a regular appeal from the decision, to the Sudder Adalut, by petition of appeal.

Petition of appeal how to be presented.

Second.—In cases in which an appeal shall be intended to be preferred, the petition of appeal shall be presented, in the first instance, to the Court in which the decree appealed against may have been passed, with an authenticated copy of the decree. The petition must be written on stamped paper according to the rates contained in Section XXV. Regulation XIV. 1815, and must be accompanied by the prescribed security for the eventual costs in appeal; the Zilla Court, after referring to the decree in the original record of the suit, shall admit the appeal, provided the petition and the security required, shall have been duly presented in the mode above described, within the period limited for the admission of appeals.

To be written on stamped paper, and be accompanied with security for costs.

How to be admitted.

What the petition is to contain.

Third.—The petition of appeal shall state (respect being had to the matter decreed) the annual produce of the land, whether lakhiraj or malgoozaree, the sum of money or the value of property which shall have been decreed, the name of the person in whose favour the decree shall have been given; the Court in which it shall have been passed; when it was made, what was decreed by it; and whether the decree has been executed. The petition need not contain the specific objections to the judgment, and detailed grounds and reasons for preferring the appeal, but shall state shortly, that the party being dissatisfied, is desirous of appealing; and it is declared optional with the party, to insert the same in the original petition of appeal, or state them subsequently in the Sudder Adalut in a separate pleading on the stamped paper prescribed in Section XXXIII. Regulation XIV. 1815.

It is optional to insert or not the specific objections to the judgments of the lower Court. Should it not do so, the same may be inserted in a separate pleading, in the Sudder Adalut.

Period limited for preferring appeals.

Fourth.—The petition shall be presented within three calendar months after the day on which the decree shall have been passed, excluding from the calculation of such period the interval which may have elapsed in each instance between the date on which the requisite stamped paper may have been furnished by the party to the Court, and that on which the copy of the decree may have been tendered or delivered to the party in open Court, in the mode prescribed by the Regulations. The Court will in all cases be enabled to ascertain such interval by the endorsement on the copy of the decree, required to be made under Clause Sixth of this Section. But it shall nevertheless be permitted to such person to prefer his petition of appeal after the expiration of three months; and the Court is authorized to admit the appeal, provided the petitioner can show just and reasonable cause to its satisfaction, for not having preferred it within the limited period. But whenever the Court shall admit an appeal which may be preferred to it after the limited time, it shall enter upon its proceedings its reasons at large for doing so.

Cases in which appeals may be admitted after the limited time.

Reasons for so doing to be recorded.

Parties requiring copy of a decree to furnish the requisite stamped paper.

Fifth.—For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the Court by whom the decision may have been passed, one, two or more sheets or rolls of the stamped paper prescribed in Section XXV. Regulation XIV. of 1815, as may be necessary for transcribing the decree.

Court how to proceed when such stamps may be furnished.

Sixth.—When such stamped paper shall be furnished, the sherishtadar, or such other principal officer as may be authorized by the Court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same, on unstamped paper; the copy of the decree shall then be prepared and duly authenticated, and shall be delivered or tendered to the party by whom the stamped paper may have been furnished, or to his wakeel in open Court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Provisions of the two preceding clauses are applicable to copies of decrees or orders from which a party may desire to prefer a special or summary appeal.

Seventh.—The principles of the rules contained in the two foregoing clauses of this Section are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary appeal, and to all copies of orders passed by the Judges and register of the Zilla Court, and by the Sudder Adalut, which those Courts may be required to furnish to parties under the provisions of any Regulation.

Eighth.

Eighth.—In all authorized cases of appeal, the party desirous of appealing shall, with his petition of appeal, deliver good and sufficient security for the payment of the costs which shall be awarded on the appeal; without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation I. 1816, no appeal shall be admitted. It is hereby declared, that the presenting a petition of appeal, without the security required by this clause, before the expiration of the time limited for appealing, shall not be considered to preserve to the appellant his right of appeal, as far as respects the limitation in question.

declared not to preserve

Parties desirous of appealing to deliver security for costs that may be awarded on the appeal.

Presenting a petition of appeal without the required security, before the expiration of the time limited for appealing the right of appeal.

Ninth.—When the security above required shall have been entered into, the Zilla Judge is immediately to endorse on the petition, in his own hand-writing, the day of the month and year in which it was presented, and shall sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the Court, the word “appealed,” and shall transmit the petition to the Sudder Adalut. The Court shall at the same time direct notice in writing to be given to the appellant, that within fifteen days, the proceedings held in the cause appealed will be certified to the Sudder Adalut; and that if he shall not proceed in the appeal within six weeks after the petition of appeal shall have been filed in the Sudder Adalut, his appeal will be dismissed, unless he shall show reasonable cause, to the satisfaction of the Court, for not having proceeded in it.

When appellant shall have entered into the security, the Zilla Judge is to make the indorsement hereafter required;

and transmit it to the Sudder Adalut, and notify to appellant that if he shall not proceed in the appeal in six weeks from the date of filing the petition it will be dismissed.

Tenth.—In all authorized cases of appeal from the decrees of a Zilla Court to the Sudder Adalut, the Court in which the decree appealed from may have been passed shall suspend the execution of it during the appeal, provided the party against whom the decree may have been passed shall, at the time of preferring his appeal, or within such reasonable period afterwards as may be fixed for the purpose, deliver good and sufficient security in a sum equal to one year's amount of the annual produce of the land or house, or other real property which shall have been decided; and in all other cases, good and sufficient security in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

Execution of decrees appealed from, to be suspended during the appeal.

Eleventh.—In all instances wherein the plaintiff in a Zilla Court may obtain a judgment in his favour, for land or other real property, and the defendant appealing therefrom to the Sudder Adalut may be left in possession of the property, under the security prescribed by the Regulations, any private transfer of such property by sale, gift or otherwise, or any mortgage thereof, which might be made by such appellant during the appeal to the Sudder Adalut, or the King in Council, in the event of the judgment against him being confirmed on the appeal, is hereby declared to be null and void.

Any private transfer or mortgage of land or other real property during appeals declared null and void, in the event of the judgment against such property being confirmed on the appeal.

Twelfth.—Where the party desiring to appeal shall neglect or refuse to enter into the securities, in the manner prescribed in this Section, the Court by whom the decision may have been passed, is to order the decree to be executed.

When the appellant does not comply with the rules of appeal, decree to be executed.

Thirteenth.—As cases may occur, wherein neither the appellant or the respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favour of the plaintiff, it is hereby enacted, that in all such cases the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties may be able to give the required securities, by the collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, is to be made by any collector in the cases herein supposed, until he shall receive a precept, requiring him to make the same, from the Zilla Court wherein the original judgment in the cause may have been passed, which precept shall state specifically the property to be included in the attachment, and shall require the collector to continue the same till ordered to be withdrawn by a further precept from the Court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

Provision for cases wherein neither the appellant or respondent may be able to give the prescribed securities;

the Collector to hold the adjudged property in attachment in such cases.

Fourteenth.—Notwithstanding the appellants in causes depending before the Sudder Adalut, may have entered into the securities required of them in this Section, the Court is further authorized in cases wherein, from delay in the decision, the securities originally so given may afterwards appear insufficient (in respect to the period of time the cause has been pending or is likely to remain still undecided), on the application of the respondent or respondents, in all such cases, to require any additional

Sudder Adalut may, in particular cases, require further security during appeals, if, on application of the parties, the security taken appear insufficient.

security.

In default of such further security being given by appellants the judgment to be executed.

Provided the prescribed security be given by the respondent.

Record including original papers in the cause appealed, to be transmitted to the Registrar to the Sudder Adalat in fifteen days after the receipt of the appeal.

Copies of all original papers transmitted, attested by the Serishtadar, to be deposited amongst the records of the Court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Adalat, when originals are not forthcoming.

Recorded copies of original papers not forthcoming to be deemed originals, and copies of them to be forwarded and certified.

Previous notice to be given by the Court of the day on which a suit is to be brought to a hearing.

A notification of the day duly affixed in Court shall be sufficient notice.

The Court empowered to fine parties unprepared to file exhibits, or name witnesses on the day notified for the hearing of the suits.

Further penalty on repetition of similar neglect.

security which the Court may deem necessary to secure the party who may have obtained a judgment in his favour from any loss by the non-execution of such judgment during the appeal; and, in default of such further security being given within a reasonable period to be fixed for that purpose, the Court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant; provided that, in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent, previous to his being put in possession of the property in litigation. The supplemental security required in this clause, as necessary to maintain a depending appeal, is carefully to be distinguished from the security originally necessary to warrant the cause being appealed; the supplemental security being only demandable by the Sudder Adalat after a lapse of time.

XVI. The Judge of the Zilla Court, within fifteen days after the receipt of the appeal, is to certify under his hand and the seal of the Court, to the register of the Sudder Adalat, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the Sudder Adalat, he is to cause true and faithful copies of all the originals, authenticated by the Serishtadar, or head native officer of the Court, to be made out and deposited in the Zilla Court, in lieu of the originals. The copies are to be deemed records of the Court, and are to be received in evidence in any other Zilla Court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in the Zilla Court, in a book which may likewise contain proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted without the other proceedings or matters; the Judge of the Zilla Court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is nevertheless to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in, or produced by the parties, and read in the course of the cause before the Court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the Judge is to transmit a copy of it, and in like manner, to certify that the original, after due search, cannot be found.

XVII. First.—In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits, and to name their witnesses, as well as to furnish any explanations of the case which may be required at the time when the suit may first be brought to a hearing, the Court is enjoined carefully to attend to those provisions in the Regulations which require that eight days previous notice shall be given to the parties, of the day on which the Court may propose to bring the suit to a hearing.

Second.—For this purpose, it shall be sufficient for the Court to affix, in some conspicuous place in the Court-room, a notification specifying the number of the suit, the names of the parties and of the wakeels respectively entertained in the suits, together with the date on which it may be intended that such suit shall be brought to a hearing before the Court; and such notice shall be held and considered to be in force until the suit can be brought to a hearing, either on the day fixed or any subsequent day.

Third.—If either of the parties in a suit which may be brought to a hearing, after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits, or the names of his witnesses, or to furnish any explanations of the case which may be required by the Court, and shall not assign sufficient and satisfactory reason for the delay, the Court is authorized to impose upon such party such fine as may appear just and proper; provided that the fine shall in no instance exceed one-fourth of the amount of the stamp duty paid on the institution of the suit. If a similar neglect shall occur a second time, after due notice shall have been given of the day fixed for the case being again brought forward, the Courts are authorized either to impose a second fine, under the limitation above prescribed, or to proceed as in other cases of default.

XVIII. First.—In the trial of appeals the prescribed pleadings shall be completed and read in open Court before any exhibits are filed, or witnesses summoned in support of the allegations of either of the parties; unless special and sufficient reason be assigned for taking the immediate deposition of witnesses, without waiting until the pleadings are completed and read in open Court.

Pleadings to be read before exhibits are filed or witnesses summoned.
Exception.

Second.—If from the pleadings in the case, the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the Court shall, on the day on which the suit may be first brought to a hearing, make such enquiries from the parties, or their pleaders, as may appear necessary, with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on their proceedings.

Court is to require any necessary explanations of the case from parties or their pleaders.

Third.—The Court shall then consider and record the point or points to be established respectively by the appellant and by the respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

The Court is to record the points necessary to be established by the parties.

Fourth.—In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for requisite evidence, and no exhibit shall be filed or witness summoned, unless expressly declared to be in proof, or refutation of some points upon which the Court may have directed that evidence shall be taken.

And any additional points which may subsequently appear necessary.
No evidence to be admitted except with regard to the points so recorded.

Fifth.—The Sudder Adalat is empowered in cases of appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the Zilla Court, or for any other cause which may be deemed reasonable, to receive such further evidence as the Court shall think necessary for the just determination of the suit, and give judgment upon it, or to refer the suit back to the Zilla Court, accompanied by such special directions to the Judge, with regard to the new evidence he is to receive respecting the suit, as may be deemed by the Court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Sudder Adalat shall exercise the power above vested in it, the Court shall enter upon the record of the trial their reasons for having exercised it. In cases in which the Court shall judge it proper to receive such further evidence themselves, the Court is empowered according as it shall deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced, *viva voce* in open Court, first causing the witnesses to be sworn and their depositions to be reduced to writing, and signed by the deponents respectively, or to authorize the register of the Court to swear the witnesses and take their depositions, and to cause the deponent to sign them, and to authenticate them with his signature. The register in such case shall examine the witnesses in the presence of both parties or their wakeels, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties, or their wakeels, of the examination of any witness or witnesses before the register, and he or they shall not attend at the time of the examination, the register shall proceed in the examination as before directed, and the depositions shall be received as good and authentic evidence.

Cases in which the Sudder Adalat is empowered to take new evidence, or refer suits back to the Zilla Court.

The Court to record its reasons whenever the above powers are exercised. The Court is empowered to take evidence, or to order the register to do so.

Sixth.—It is hereby provided, that whenever a witness whose evidence may be required by the Sudder Adalat, may reside at such a distance as to render his attendance before the Court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to the Court, the Sudder Adalat shall prepare and transmit to the Judge of the zillah in which the witness may reside, distinct written interrogatories to be put to each witness, such interrogatories shall be prepared and signed by the parties, or their wakeels, under the direction of the Court, and shall be countersigned by the register. The Zillah Judge, to whom such interrogatories may be sent, shall proceed with the same in open Court, in presence of the parties, or their authorized pleaders, and shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, to put any other questions which may appear relevant to the points at issue in the case.

Evidences of witnesses which may be required in certain cases by the Court, to be taken by Zilla Judges on written interrogatories.

Seventh.—In cases in which the Sudder Adalat may from special reasons judge it advisable, they are likewise empowered to cause the evidence of any witness to be taken

The Court may empower a Judge of the Sudder Foujdaree

Adalut proceeding on circuit to take evidence in certain cases.

Court may dispense with the oaths of witnesses in certain cases.

And also direct their evidence to be taken by Commission.

taken in the prescribed form before the Judge of the Sudder Foujdaree Adalut, who shall next proceed upon the circuit, to the zillah in which the witness may reside.

XIX. First.—The Sudder Adalut may dispense with the oaths of the descriptions of witnesses which the Zilla Courts are authorized to exempt from taking oaths, on their signing in open Court, the declarations which are required to be subscribed by such witnesses in the Zilla Courts. Where witnesses shall be women of the description specified in Section VI. Regulation II. 1800, or shall reside out of the jurisdiction of the Court, the Court shall grant such commissions as the Zilla Courts are authorized to grant for the examination of such witnesses upon similar occasions. And the Sudder Adalut may issue such commissions to creditable women, and send such letters to the Zilla Courts for the examination of witnesses, in the cases in which the Judges of the Zilla Courts are authorized to send such commissions and letters.

Sudder Adalut how to proceed when witnesses do not attend, refuse to be sworn, or give their depositions, are guilty of contempt of Court, or perjury.

Second.—If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness, or any person, shall be guilty of wilful or corrupt perjury in a cause depending in the Court, or any contempt of Court in open Court, the Sudder Adalut shall proceed with such witness or person in the same manner as the Zilla Courts are authorized to deal with witnesses or persons in like manner offending.

All process of the Court (with certain exceptions) to be issued to the Zilla Judges.

XX. First.—All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Adalut, shall be written or printed in such of the languages of the country as the Court may direct, and shall be sealed with the seal of the Court, and signed by the register. All such process, rules and orders, which are to be served or executed on any parties, witnesses or persons (exclusive of the parties wakeels, or persons in actual attendance on the Court), are to be directed to the Judge of the Zilla in which the cause of action shall originally have arisen, or in whose jurisdiction the parties may be or reside. Every such process, rule and order, shall limit a certain time in which it is to be served, executed and returned to the Sudder Adalut. If the Judge of a Zilla Court, to whom any process, rule or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the Judge so offending shall be liable to be suspended from his office by the Sudder Adalut. If the Sudder Adalut shall suspend any Judge under this Section, they are to notify the suspension to the Governor in Council, within ten days after it shall take place, together with the cause of it, and shall certify under the seal of the Court, the proceedings, depositions and exhibits, and all other matters which may be necessary to enable the Governor in Council to pass a determination upon the suspension, and to transmit to him on his requisition, any further papers and proceedings respecting the cause, which he may deem necessary for his information. But the Sudder Adalut is empowered, in cases in which for the sake of expedition or other purpose it shall judge it expedient so to do, to issue any process to parties or witnesses immediately, through any other channel, instead of directing it in the first instance to the Zilla Court.

Judges of Zilla Courts liable to be suspended by the Sudder Adalut for refusing or omitting to obey, or to conform to its process or requisition. Sudder Adalut to report to the Governor in Council the suspension of Judges under this section, within ten days.

The Court may issue process to parties or witnesses through any other channel than the Zilla Courts.

Process of the Sudder Adalut, how to be served by the lower Court.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

Zilla Judge to cause a copy of the process and return to be deposited amongst the records of the Court

Second.—In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Adalut, which may be directed to the Judge of a Zilla Court, the Judge to whom the process shall be directed shall execute the order contained in the process, rule or order, and return it so executed within the time limited, or return to the Sudder Adalut good and sufficient reason why it has not been served or executed. When any process, rule, decree or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Adalut to the Judge of a Zilla Court, to be served or executed, the return to such process, rule, order or decree, shall be made by the Judge, either by endorsement on the process, rule, order or decree, or be written on a paper firmly annexed to it; and if the return be made in the last mentioned manner, there shall be an endorsement on the process, rule, order or decree, referring the Sudder Adalut to the return contained in such annexed paper, and the Judge shall cause a copy of the process, rule, order or decree, together with the return to it, to be deposited amongst the records of the Court. And in all cases in which the Sudder Adalut shall transmit any order or process to be served, or executed by the Judge of a Zilla Court against a party in a cause, and the party on

on whom it is to be served or executed shall not, after diligent search, be found, or shall have absconded, or shall have shut himself up in his own or any house or building, or shall retire to any place, so that the process cannot be served upon him, the Judge to whom the process shall have been directed shall cause to be fixed up in some conspicuous part of the room in which the Court shall be held, a writing in the language of the district, containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Adalut will without further notice, process or order, proceed, *ex parte*, to hear, try and determine the cause to which such process or order may relate; and the Judge is likewise to cause a copy of such writing to be fixed up with all practicable dispatch, on the outer door of the house in which the party shall have commonly dwelt, or in some conspicuous place in the town or village in which he may have usually resided, and to return to the Sudder Adalut in the manner before directed, how he has executed the process.

Third.—If the Judge of the Zilla Court shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not, after diligent search, to be found, and that he had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule or order, the Sudder Adalut shall proceed, *ex parte*, to try and determine the cause in which the process, rule or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

XXI. If the appellant in an appeal filed in the Sudder Adalut shall not proceed in the appeal for six weeks, the appeal shall be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the Court for not proceeding in it; and the Court, if it shall be deemed equitable so to do, shall award to the respondent costs of suit. But in all such cases, the Court shall enter at large upon its proceedings, the grounds upon which it may permit or refuse to allow the appellant to proceed.

XXII. In appeals that shall be heard by the Court, no proceedings shall be held, nor any acts whatever done, either on behalf of appellant or respondent, excepting by the appellant or respondent respectively, or by a wakeel admitted to plead in the Court under the established Regulations, nor by any wakeel before his wukalutnamah shall have been filed in the Court, and security given for his fees; and no persons, excepting such parties, or their witnesses, or such wakeels, shall be heard, *videlicet*, in any stage in the cause.

XXIII. If a petition of appeal shall be preferred against the decision of any Zilla Court, founded on an award of arbitration, it shall be dismissed with costs; unless it be fully proved to the satisfaction of the Court, by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they shall have made the award.

XXIV. *First.*—The petition of appeal, pleadings, depositions, and exhibits in the Sudder Adalut, shall be numbered, marked, dated and signed by the register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated and signed by the register in the Zilla Courts. The decrees shall be signed by the Judges present in Court when the decrees shall be passed, and attested by the register; copies so signed and attested, shall, on application, be delivered to the parties.

Second.—The proceedings, summonses, and other process issued by the Sudder Adalut, shall be written or printed in the current language of the zilla from which the suit may be appealed.

Third.—All orders and decrees passed by the Sudder Adalut shall be written in English, and shall have annexed or subjoined a translation in the current language of the zilla from whence the appeal may be received.

XXV.—The Sudder Adalut is empowered to confirm or reverse, in whole or in part, all decrees from which the Court shall or may be authorized to receive appeals; and to make such further order on all such decrees, as justice, equity and good conscience may require, and award such costs to either party as it shall deem reasonable.

Courts, how to proceed when process cannot be served upon the party, in consequence of his absconding or avoiding it.

Zilla Judge to fix up a writing in the Court room and at the place of residence of the party.

What the writing is to contain.

Sudder Adalut to proceed *ex parte* when a lower Court shall report that a party has absconded, or was not to be found, after the observance of the forms herein directed.

Court to dismiss appeals if appellants omit to proceed in them within six weeks, without shewing cause for omission. Reasons for the dismissal of the appeal to be recorded.

No person to be heard in a cause except principals, wakeels duly empowered, or witnesses.

Petitions of appeal from decisions founded on award of arbitration, to be dismissed with costs.

Proceedings of the Sudder Adalut, how to be numbered, marked, dated and signed.

Decrees to be signed by the Judges, and attested by the register, and copies to be delivered to the parties.

Proceedings, summonses and process of the Court to be of the language of the zilla from whence the cause was appealed.

All orders and decrees to be written in English, with translations into the language of the zilla from whence the appeal is received.

What decisions the Court may pass in appeals.

Interest allowed on the amount of decrees confirmed on appeal, and litigious appeals punishable by fine.

Sudder Adalat, how to proceed against persons who shall resist its process.

Offender to be summoned to answer for his misconduct.

Court, how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear; or shall appear, and be proved guilty of the charge.

How the Court is to enforce payment of the fine.

Single Judges empowered to hold sittings of the Court. Rules to be observed in passing orders and decrees.

Rules to be observed on differences of opinion between two Judges.

Provision in case of a difference of opinion when four Judges are present, and the number of votes equal.

Judges to regulate their own sittings, and chief or senior Judge to call extra meetings through the register.

Special appeals from all decisions of Zilla Judges shall lie to the Sudder Adalat, under certain restrictions.

XXVI. If the Sudder Adalat shall confirm the decree of the Zilla Court, it shall adjudge interest, at the rate of one per cent. per mensem, on all sums receivable by the respondent under the decree, and the Sudder Adalat is authorized to punish appeals which may appear to it to be litigious, by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

XXVII. If any person shall resist or cause to be resisted, any process, rule, order or decree, which may at any time issue from the Sudder Adalat, the Court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that he cannot be served with the summons, the Court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the Court. If the offender shall not appear within the prescribed time, or if he shall appear and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the Court that he is guilty of the charge, the Court is to adjudge the offender to pay such fine to Government as they may think proper, in the same manner as already provided in respect to the inferior Courts, in Section XXI. Regulation II. 1800. The Court is to proceed to levy the amount by the same process by which they are empowered to carry their decrees for sums of money into execution.

XXVIII. First.—To facilitate the dispatch of business, a single Judge shall hold separate sittings of the Sudder Adalat, for the hearing of all causes in the first instance, with the same powers as if held before two or more Judges, and he shall be competent to pass orders and judgments in conformity with the Regulations, provided such order or judgment may be to affirm the decision or order of the lower Court. But whenever a single Judge trying a cause or other matter, shall be of opinion that the decision or order appealed from ought to be reversed or altered, as well as in every case of doubt or difficulty, he shall only record his sentiments on the case, and refer it for the decision of a Court composed of two or more Judges; and their decision, guided by the rules hereafter mentioned, shall be carried into effect, and the decree or order shall be signed by the Judges present at the final sitting; the signature of the Judge who first sat shall not be considered requisite.

Second.—Whenever two Judges shall sit, and a difference of opinion arise between them, the decision shall be passed according to the opinion of the Judge who may concur with the Judge who first sat under the provisions of the foregoing clause; but in cases where two Judges may differ in a matter not previously before the Court, the determination shall be suspended until the opinion of a third Judge can be taken, when the decision shall be passed according to the majority of voices.

Third.—If in any instance a difference of opinion should take place on a question before four Judges, and the number of votes be equal, the Chief Judge concurring with any one of the other Judges shall possess a casting vote, and the Resolution shall be passed accordingly.

Fourth.—The Judges shall regulate their own sittings in the manner most convenient; and whenever it may be requisite to call an extra meeting, it shall be summoned by the register, on receiving orders for that purpose from the chief Judge or senior Judge on the spot, to whom it shall be left to determine when and how often such extra meetings shall be summoned.

XXIX. First.—A special appeal shall lie to the Sudder Adalat under the rules prescribed by the following clauses, from the decisions of Zilla Courts, in all suits or matters whatsoever which shall be tried by the Judges of those Courts, in appeal from their registers, assistant registers, and sudder uneens or moonsifs, provided that upon the face of the decree, or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent, or with some Regulation in force; or be in opposition to, or inconsistent with another decree of the same Court, or of another Court having jurisdiction in the same suit, or in a suit founded on a similar cause of action; or if it appear to be inconsistent with the Hindoo or Mahommedan law, in cases which are required to be decided by those laws, or with

with any other law or usage which may be applicable to the case; or unless the judgment shall involve some point of general interest or importance, not before decided by the superior Court; or that there may appear strong probable ground, from whatever cause, of a failure of justice.

Second.—When a party upon any of the grounds specified in the preceding Clause, may be dissatisfied with a judgment passed on a regular appeal by a competent Civil Court, and may in consequence be desirous of a second or special appeal, he shall, within the limited period prescribed for the admission of regular appeals, present a petition to the Sudder Adalut.

Party to present a petition to the Sudder Adalut.

Third.—Such petition shall be written upon the stamped paper prescribed in Section XXV. Regulation XIV. of 1815, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds under Clause First of this Section, on which the special appeal is solicited, and shall be presented either by the party in person, or by an authorized pleader of the Court. In the latter case, the petition shall be signed by the pleader, who shall certify on the back of the petition, that he has duly considered the grounds stated for admitting a special appeal, under Clause First of this Section, and believes them to be well founded and sufficient.

Petition to be written on stamped paper.

What it is to contain.

Fourth.—If on a consideration of the circumstances of the case, the Court shall see reason for admitting a special appeal, on any of the grounds stated in the First Clause of this Section, the appellant shall be required to furnish the like security as is prescribed in cases of regular appeals, and when the required security shall have been duly furnished, the Court will admit the special appeal, and proceed to investigate the suit, under the same rules as are prescribed for the trial and determination of regular appeals.

Mode of proceeding when a special appeal may be admitted.

Fifth.—If the Court shall not see sufficient reason for admitting the special appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp on which the petition may have been written, under Clause Third; the Court is however vested with a discretionary authority in any particular instance of hardship, to refund any portion, not exceeding three-fourths of the amount of such stamp duty, to the party who may have paid the same, or to his legal representative.

Court authorized to refund a portion of the stamped duties in certain cases, when the petition for a special appeal may be rejected.

Sixth.—It is hereby declared, that the order of the Sudder Adalut refusing to admit a special or second appeal, under the powers vested in it by this Regulation, as well as the judgments which it may respectively pass on special appeals, shall in all cases be final.

All orders passed by the Court regarding special appeals to be final.

Seventh.—When an application for a special appeal presented through an authorized pleader to the Sudder Adalut, may be rejected by the Court, such pleader shall be entitled to receive from the party employing him, any remuneration for his trouble which the Court may think proper to adjudge, provided that such remuneration shall in no case exceed one-fourth of the amount of the fee to which the pleader would have been entitled had the special appeal been admitted and determined by the Court.

Pleaders entitled to receive fees on the rejection of special appeals.
Proviso.

Eighth.—It is also declared to be competent for a Zilla Judge, in any case in which no further regular appeal is open, and in which the parties may be desirous a special appeal, to certify to the Sudder Adalut (where the circumstances demand it), that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a special appeal, in the admission of which, such of the above rules as may be applicable shall be attended to.

Zilla Judges may certify to the Court cases which may appear to be fit objects for a special appeal.

XXX. First.—It shall be competent to the Sudder Adalut to receive a summary appeal from the orders or decrees of the Zilla Court, in all cases in which the latter may have refused to admit an original suit, or appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality or other default.

Cases in which the Sudder Adalut may admit a summary appeal.

Second.—In the preceding cases, the summary appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following clauses.

Limitation of time for the admission of summary appeals.

On what description of stamped paper the petition for a summary appeal is to be written.

Third.—Whenever a party may be desirous of preferring a summary appeal in the cases above-mentioned, he shall appear either in person, or by a wakeel duly authorized, before the Sudder Adalat, and shall present a petition written on the stamped paper prescribed by Clause Second, Section XXXVIII. Regulation XIV. of 1815, and accompanied by an attested copy of the order or decree passed in the case.

Party not liable to pay the institution fee, nor to furnish any deposit or security.
Exception.

Fourth.—The party presenting such petition shall not be liable to the payment of the stamp duty substituted for the institution fee, by Section XXV. Regulation XIV. of 1815, nor shall he be required to furnish any security, except such as may be eventually necessary under the Regulations in force, for staying the execution of the decree from which the appeal may be preferred.

Mode of proceeding in summary appeals.

Fifth.—It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being preferred, unless in any particular instance the Court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may suffice to determine whether the suit was not rejected or dismissed by the lower Court on sufficient grounds, and in conformity with the Regulations.

In what cases the lower Court may be directed to receive or review the suit.

Sixth.—If upon such summary proceedings it shall appear to the Court that the suit was rejected in the first instance, or having been admitted was dismissed without an investigation of the merits, upon insufficient grounds, or in opposition to the Regulations, it shall be competent to the Sudder Adalat, to direct the lower Court, or officer from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on its merits, according to the Regulations.

In what cases the Courts may reject the summary appeal and fine the appellant.

Seventh.—If on the contrary, such summary appeal shall be found to be groundless and litigious, the Sudder Adalat is authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant as may appear to be in each instance proportionable to the condition of the party, and to the circumstances of the case; provided that such fine shall in no case exceed the amount of the stamp duty which would have been payable by the appellant on the institution of such case as a regular suit or appeal.

Proviso.

Provisions for pleader's fees in such cases.

Eighth.—When a pleader may be employed in such summary appeals, the Court is authorized to award to him such fee as may be considered to be sufficient compensation for his labour, provided that it shall in no case exceed one-fourth of the fee to which such wakeel would have been entitled, if the suit had been instituted, either as an original suit or as a regular appeal.

Proviso.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

XXXI. First.—Any persons considering themselves aggrieved by a decree passed in a regular civil suit or appeal by a Zilla Court, from which decree no further appeal may have been admitted, and who, from the discovery of new matter or evidence which was not within their knowledge, or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition to this purpose, to the Court in which the decree in question may be passed; such petition shall be written on stamped paper of the value prescribed in Clause Second, Section XXXVIII. Regulation XIV. of 1815, and shall be presented within the period of three calendar months from the delivery or tender of the decree. The Courts are nevertheless authorized to admit applications for a review after the period above-mentioned, provided that the parties preferring the same shall be able to show just and reasonable cause to the satisfaction of the Court, for not having preferred such application within the limited period; in such case, however, the Courts are enjoined to proceed with caution, and to state at large upon the proceedings their reasons for admitting such applications after the limited period. If the Courts shall be of opinion, that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect shall be final; but if on the contrary, they shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Adalat, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them and a copy of the decree passed in the case.

Second.—The Court of Sudder Adalat, in cases referred to them under the preceding Clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments, which may not have been appealed to the King in Council (or though appealed, the proceedings in which may not have been transmitted), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the Sudder Adalat shall record on their proceedings, the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

Provisions empowering the Sudder Adalat to grant a review.

Third.—The order of a Zilla Court, or of the Sudder Adalat, rejecting the petition for a review in the first instance, or of the latter Court refusing to sanction a review when applied for by a lower Court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable), subject to the conditions and rules prescribed by the Regulations in force for the admission of such appeals.

The orders rejecting applications for a review not to bar the right of a party to prefer a regular appeal.

XXXII. In cases for which no specific rule shall exist, the Sudder Adalat shall act according to justice, equity and good conscience.

Court, how to act in cases for which no rule may exist.

XXXIII. An appeal shall lie from the decision of the Sudder Adalat, to the King's Most Excellent Majesty, and His Most Honourable Privy Council, in all regular appeals under the provisions of Regulation V. 1818.

Appeal to his Majesty in Council.

XXXIV. In all cases not expressly provided for in Regulation IV. 1819, in which it shall appear to the Sudder Adalat, that the Judge of a Zilla Court has been guilty of negligence or misconduct in the discharge of his duty, or whenever a report shall be made in pursuance of Section X. Regulation IV. 1800, or in any case not expressly provided for by the Regulations, the Court of Sudder Adalat, after such enquiry as shall be judged necessary in proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor in Council, report the same to him, with a copy of all proceedings and papers received on the subject of it, for such orders as may be judged proper. The Court of Sudder Adalat is directed to report to the Governor in Council, all instances of wilful neglect of duty, or aggravated misconduct by a covenanted servant of the Company, employed in any of the Civil Courts, whether in a judicial or ministerial capacity, and whether such neglect or misconduct shall have been reported to the Sudder Adalat by a Zilla Court, or shall otherwise appear from the proceedings and papers before the Court. But if the case should appear to the Court to involve an error of judgment only, or a slight default, for which an admonition from the Court shall be deemed a sufficient correction, the Sudder Adalat, in the former case, is authorized to notice the error, for the information and guidance of the party who may have committed it; or, in the latter case, to advise him of his default, and to admonish him accordingly.

Rules for the guidance of the Sudder Adalat in cases of negligence or misconduct in any of the Judges or officers of the civil Court.

In certain cases Court directed to report to the Governor in Council.

Error of judgment, or slight default, how to be corrected.

XXXV. The Court of Sudder Adalat constituted under Section III. of this Regulation, shall possess all the powers previously vested by the existing Regulations in it, and shall perform all duties required to be performed by it, subject to such alterations and modifications as have been, or may at any time hereafter be made therein by this or any subsequent enactment. And it is hereby further provided, that all such parts of the Regulations in force as may refer to the late provincial Court of Appeal, and may require to be acted on, shall be considered applicable to the Sudder Adalat, in the same manner as if they were originally intended to be enacted for the latter Court.

Former powers of the Sudder Adalat to continue.

Regulations referring to the Court of Appeal to apply to the Sudder Adalat where necessary.

XXXVI. That the Sudder Adalat may be apprized of the nature and number of the causes decided monthly by the registers to the Zilla Courts, their assistants and native commissioners, a list of the causes determined by them in each month shall be subjoined to the monthly abstract register of causes decided by the Judge, required to be transmitted to the Sudder Adalat, by Section XI. Regulation VI. 1802, and the Judges shall likewise distinguish in their monthly abstract registers, such decisions as they may pass in appeal from the decrees of the registers, their assistants and native commissioners, so that the Sudder Adalat may be informed of the number of appeals so preferred, and the decisions upon them; and in the half yearly report of causes undecided, required to be transmitted to the Sudder Adalat

Causes how to be distinguished in the monthly registers.

by Section XII. of that Regulation, the Judges are likewise to distinguish such of the suits as may be depending in appeal before them from the decisions of their registers, their assistants and native commissioners, and also the suits that may be under trial before their registers, their assistants and native commissioners.

Register to submit to the Court a monthly report of the abstract registers of the several Zilla Courts.

XXXVII. By the last day of each month, the register to the Sudder Adalat shall prepare to be submitted to the Court at its next meeting, a general report on the abstract registers, required to be furnished by the Zilla Courts by Section XI. Regulation VI. 1802, for the preceding month. The report is to specify the number of suits appearing in the abstract register of each Court to have been determined by the Judge and by his register or his assistant, or by the native commissioners, or adjusted by the parties.

Report to be submitted by the register on half yearly reports of the Zilla Courts of causes remaining undecided.

XXXVIII. On the 15th February, and 15th of August in each year, or the first Court which may be held after those dates respectively, the register shall submit to the Court a report on the last half yearly reports of causes depending in the Zilla Courts, which they are required to furnish by Section XII. Regulation VI. 1802. The report shall specify the number of causes depending before the Judge, the register, his assistant, and the native commissioners in each Zilla, and the number of causes depending in the preceding half yearly report; so as to exhibit a comparative statement of the number of suits depending at the period of the transmission of the two reports. The register is to annex to his report a summary of the reasons assigned by the several Courts for any causes remaining undecided, which may have been inserted as depending in any of their preceding half yearly reports.

To notice what abstract registers or reports have not been transmitted.

XXXIX. In the event of any of the Zilla Courts omitting to forward their monthly abstract registers, or half yearly reports, in time to enable the registers to submit the reports and statements above required, he is to notice the omission in his report, with the reasons for the deficient reports not having been forwarded, should any have been assigned by the Courts.

Rules for facilitating the preparing of the register's reports.

XL. *First.*—To enable the register to prepare the required reports and statements with greater facility, the following rules are prescribed.

An abstract of the number of causes determined to be inserted by Zilla Judges at the bottom of monthly registers.

Second.—The Judges of the Zillas are directed to insert at the bottom of their monthly abstract registers, an abstract of the number of causes determined, as follows:—

BY THE JUDGE:

In appeal from decisions of the register.

Decreed or dismissed	-	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	-	2
							— 4

In appeal from the decisions of the assistant register.

Decreed or dismissed	-	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	-	2
							— 4

In appeal from decisions of the native commissioners.

Decreed or dismissed	-	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	-	2
							— 4

Tried in the first instance by the Judge.

Decreed or dismissed	-	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	-	2
							— 4

By the register.

Decreed or dismissed	-	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	-	2
							— 4

By the assistant registers.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

By the native commissioners.

Decreed or dismissed	-	-	-	-	-	2
Adjusted by razeenamahs of the parties	-	-	-	-	-	2
						— 4

Total - - 28

Third.—The Judges of the zillas are to insert at the bottom of their half yearly reports of causes remaining undecided, the number of suits depending, as follows:—

Also to insert at the bottom of half yearly reports of causes undecided, the number depending.

Depending before the Judge.

In appeal from decisions of the register	-	-	-	-	2
In appeal from decisions of the assistant register	-	-	-	-	2
In appeal from decisions of the commissioners	-	-	-	-	2
Under trial before the Judge in the first instance	-	-	-	-	2
					— 8
Depending before the register	-	-	-	-	2
Depending before the assistant register	-	-	-	-	2
Depending before the commissioners	-	-	-	-	2
					— 6
Total	-	-	-	-	14

A. D. 1820. REGULATION VI.

REGULATION for abolishing the situation of Assistant Judge, and for making certain modifications in the constitution and jurisdiction of Zilla Courts. Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut, or Vikramajet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS it has been deemed expedient to abolish the office of Assistant Judge of Zilla Courts, and to make certain modifications in the constitution and jurisdiction of those Courts, from and after the 1st of January 1821.

II. The office of Assistant Judge in the Zilla Courts is hereby abolished, and Regulation V. of 1815, is rescinded.

Office of Assistant Judge abolished and V, of 1815 rescinded.

III. Section VI. Regulation I. of 1802, whereby the decisions of the registers to the Zilla Courts were made final in suits for money or other personal property not exceeding twenty-five rupees, is hereby rescinded, and an appeal shall hereafter lie to the Zilla Judges from all decisions passed by their registers, provided that the appeal be preferred in all other respects, in conformity to Section II. Regulation IX. of 1802.

Section VI. Regulation I. of 1802, rescinded, and appeals from registers decisions shall in every case lie to the Zilla Judge.

IV. No regular appeal shall lie to the Sudder Adalut from the decree of a Zilla Judge on an appeal from a register; provided however that nothing in this Section shall be construed to prohibit the Sudder Adalut from admitting a second or special appeal from decisions passed by the Zilla Judges, on regular appeals from the original judgments of registers, assistant registers, sudder umeens, or moonsifs,* such special appeals being admitted and tried under the rules and restrictions prescribed for the guidance of the Court.

Section VII. Regulation II. of 1808, rescinded, and no regular appeal shall lie from the decree of a Zilla Judge on an appeal from a register. Proviso in respect to special appeal.

V. •First.—The Judges of Zilla Courts are authorized by the Regulations in force, to refer to their registers for trial and decision in the first instance, original suits, in which the value or amount of the claim may not exceed five hundred rupees.

Common jurisdiction of register.

Second.—On all suits referred to registers which may be decided by them, they shall be entitled to receive one moiety of the amount of stamp duty substituted for the institution fee by Regulation XIV. 1815, instead of the rates prescribed by Section XXIX. of the Regulation just quoted.

What fees shall be paid to register on deciding such suits.

Registers may be invested with further additional powers in the trial of suits.

VI. First.—Exclusively of the ordinary jurisdiction of registers of Zilla Courts, as explained in the preceding Section, the Governor in Council shall be deemed competent to invest the register of any Zilla Court with special additional powers in the trial and decision of regular civil suits, under the following rules.

The Sudder Adalat to report to Government when such further powers may be necessary.

Second.—Whenever the accumulation of civil suits, or the arrears of business depending in any Zilla Court, may render it impracticable for the Judge of such Court to try and determine the suits depending before him with sufficient promptitude and dispatch, and the Sudder Adalat may be of opinion, either in consequence of a report from the Judge, or from any other information before it, that the register of such Zilla Court is duly qualified by his experience, industry and abilities, to be intrusted with the whole or any part of the special powers described in Clauses Fourth and Sixth of this Section, the Sudder Adalat shall communicate its sentiments on the subject to Government, accompanied by a statement of the number of civil suits of every description depending respectively before the Judge and register of such Zilla Court.

Mode of granting such powers to a register.

Third.—On the receipt of the report from the Sudder Adalat, or upon any other information before Government it shall be competent to the Governor in Council to invest such register with the whole or any part of the special powers described in the following clauses of this Section, and information shall be communicated in every instance in which such powers may be vested in a register to the Sudder Adalat and to the Zilla Judge.

Appeals from the Sudder Ameens may be referred to registers, whose decisions on them shall be final. Exception.

Fourth.—The register may be specially empowered to try and determine any depending suits in appeal from the original decisions of assistants to the register, sudder ameen, or native commissioners, which the Zilla Judge may think proper to refer to him; the decision of the register on such appeals shall be final, unless the Zilla Judge shall see sufficient reason for admitting a second or special appeal, which he is hereby empowered to do, in the same manner, and under the rules prescribed for the guidance of the Sudder Adalat in similar cases.

What fees the registers shall receive for deciding such suits.

Fifth.—On suits which may be referred to a register under the foregoing clause, or which may be decided by him, the register shall be entitled to receive the full amount or value of the stamp duty substituted for the institution fee.

Original suits exceeding 500 rupees in amount, may be referred to registers.

Sixth.—The registers may be further specially empowered to try and decide any suits above five hundred rupees, and not exceeding one thousand in value or amount, originally instituted in the Zilla Court, which the Judge of such Court may think proper to refer to him. In the trial of all causes referred to a register under this Section, he is to be guided by the rules which are prescribed for the trial of similar causes before the Judge of the Zilla Court.

What fees the register shall be entitled to receive on deciding suits.

Seventh.—On every suit which may be referred to a register under the preceding clause, and which may be decided by him, the register shall be entitled to a moiety of the stamp duty substituted for the institution fee.

An appeal shall lie to the Sudder Adalat from decisions passed by a register in such cases.

Eighth.—From all decisions passed by a register on suits referred to him under clause Sixth of this Section, an appeal shall lie to the Sudder Adalat, in the same manner and under the same provisions, as if such suits had been tried and determined in the first instance by the Zilla Judge.

Process and communications to a register from the Sudder Adalat how to be issued.

Ninth.—In cases in which an appeal may lie to the Sudder Adalat from the original decision of a register, under Clause Eighth of this Section, as well as in all cases in which the Sudder Adalat may have occasion to issue process regarding causes decided by or depending before a register, such process shall be transmitted to the Judge of the Zilla Court, who shall forward the same to the register, or shall himself comply with the exigency of it, if from absence or any other sufficient cause, the register may be prevented from so doing. In like manner all returns and communications from a register to the Sudder Adalat or to any other Court, authority or office, shall be made through the Judge of the zilla in which such register may be employed.

Registers may be empowered to try appeals from another register, in cases under 500 rupees.

Tenth.—It is hereby further provided, that any person exercising the functions of a register of a Zilla Court, may be invested with powers to try and determine depending appeals from decisions which may have been passed by another register on the class of suits specified in Section III. of this Regulation. The Zilla Judges are hereby authorized to refer to registers so empowered any suits of the description

description above adverted to, and such registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance. No person however shall be vested with the power in question, who may not have been employed in the judicial department for a period of at least six years, nor shall he be competent to try such appeals, except in cases in which the original decision may have been passed by a register, junior in the service to the individual on whom the special power in question may be conferred.

Provided he has been employed for six years in judicial duties, and is senior in the service to the register on whose cases he may sit.

Eleventh.—The Sudder Adalat is empowered to admit a second or special appeal from the decisions which may be passed by registers under the foregoing Clause of this Section, and such special appeals are to be admitted and tried in the same manner as other special appeals cognizable by the Sudder Adalat.

Sudder Adalat may admit a special appeal from such decisions.

Twelfth.—Upon the death, removal or resignation of any register who may have been invested with special powers under the provisions of this Regulation, the person succeeding to the office of register, shall in no case be entitled to exercise such special powers, without the previous sanction of the Governor in Council, and it shall at all times be competent for the Governor in Council to revoke the special powers which may have been entrusted to the register of a Zilla Court under this Section, either from the arrears of business having been sufficiently reduced or for any other cause, which in the opinion of the Governor in Council may render the adoption of that measure expedient.

Special powers not to be exercised by registers without the previous sanction of Government, and such powers may at any time be revoked by the Governor in Council.

VII. The Judges of the Zilla Courts are at all times authorized to recall from the registers any depending suits which may have been referred to them, and which, for the more speedy administration of justice, or for any other reason, the Zillah Judges may deem it proper to determine themselves in the first instance, or to refer to any other competent authority.

Judges may recall suits referred to registers.

VIII. *First.*—It shall be competent to the Governor in Council to appoint one or more registers in any Zilla Court, in addition to the person holding the office under the established constitution of the Courts. Such additional registers shall be denominated second or third register, and shall possess the same powers, and perform the same duties, as the registers to the Zilla Courts under the Regulations in force, either in their ordinary jurisdiction, or under the special powers with which they may be vested, in conformity with Section VII. of this Regulation.

Additional registers may be appointed to any Zilla Court.

Second.—Additional registers shall also be additional senior assistants to the Criminal Judges of the Zilla Courts under Section XLIII. Regulation III. 1818.

Additional registers to be also additional senior assistants to the Criminal Judges.

IX. *First.*—The Judge of the zilla of Surat, within whose jurisdiction the Court of Sudder Adalat is fixed, is hereby authorized to refer to the register of the Sudder Adalat, any original civil suits cognizable by the zilla registers under Section VI. of this Regulation, and which may be now or hereafter depending in his zilla. In the trial of such suits, the register to the Sudder Adalat will exercise the same powers, and be guided by the same rules as are applicable to the zilla registers generally, he shall also be entitled to the same fees, on the decision of the suits as zilla registers; but he must be careful that the trial of such suits be not allowed to interfere with his primary duties as register of the Sudder Adalat.

Zilla Judge of Surat empowered to refer suits cognizable by their register to the register of the Sudder Adalat; such power not to interfere with their duties as register to the Sudder Adalat.

Second.—Whenever such duties shall be confided to the register to the Sudder Adalat, the Zilla Judge shall appoint a convenient place for his Court to be holden in the zilla court house.

Zilla Judge to appoint a place for his court, in the zilla court house.

X. *First.*—It shall be competent to the Zilla Judges, to receive a summary appeal from the orders or decrees of registers, assistant registers, sudder umeen, or native commissioners, in which they may have refused to admit an original suit or appeal, regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it without an investigation of the merits, on the grounds of delay, informality or other default.

Zilla Judges may receive summary appeals from orders or decrees of inferior Courts.

Second.—The Zilla Judges shall regulate their proceedings in the admission, and hearing of such summary appeals, by the same rules as are prescribed for the guidance of the Sudder Adalat in similar cases.

Zilla Judges shall regulate their proceedings in same manner as the Sudder Adalat in such cases.

A. D. 1820. REGULATION VII.

A REGULATION for uniting the powers and functions of the Provincial Court of Circuit and the Superior Tribunal, in a Court, to be styled the Sudder Foujdaree Adalut; to fix the seat of this Court at Surat, and to provide for the appointment of the Judges; and also for prescribing the duties of the Court, and extending the powers of the Criminal Judges.— Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartik Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS it has been found expedient to unite the powers and functions, hitherto relatively possessed and exercised by the Provincial Court of Circuit and Superior Tribunal, in a Court to be styled the Sudder Foujdaree Adalut; it having likewise been resolved to fix the seat of the said Court at Surat, the Sudder Foujdaree Adalut being composed of the same Judges as the Sudder Adalut; and whereas an extension of the powers of the Criminal Judges has been deemed advisable, the following rules have been enacted, to be in force from the 1st January 1821. *

Regulations III. 1800, and VIII. and IX. 1812, rescinded.

II. Regulation III. 1800, and Regulations VIII. and IX. 1812, are rescinded.

Denominations of Provincial Court of Circuit and Superior Tribunal abolished; powers, functions and duties of these Courts united in the Sudder Foujdaree Adalut.

III. The denominations of Provincial Court of Circuit and Superior Tribunal are abolished; and the powers, functions and duties of these Courts, as hitherto relatively possessed and exercised by them, with such extension and modifications as are hereafter provided, are hereby united in a Court, which shall henceforward be styled the Sudder Foujdaree Adalut.

Surat the seat of the Sudder Foujdaree Adalut: seat of the Court.

IV. The city of Surat shall be the seat of the Sudder Foujdaree Adalut; the Court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect in the Persian, Guzuratee and Mahratta languages and characters,—“The seal of the Sudder Foujdaree Adalut.”

The Court to consist of four Judges.

V. The Court of Sudder Foujdaree Adalut shall henceforth consist of four judges, to be denominated, respectively, chief judge, second judge, third judge and fourth judge of the Sudder Foujdaree Adalut, and they shall be selected and appointed by the Governor in Council from among the covenanted civil servants of the Company.

Oath to be taken by the Judges.

VI. The Chief Judge and each of the Puisne Judges who may be appointed to the Court of Sudder Foujdaree Adalut, previous to entering upon the duties of his office, shall take and subscribe before the Governor in Council, or such person as he may commission to administer it, the following oath:

I, A. B. solemnly swear, that I will truly and faithfully execute the duties of Judge of the Court of Sudder Foujdaree Adalut, that I will administer justice according to the Regulations that have been or may be enacted by the Governor in Council, to the best of my ability, knowledge and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Foujdaree Adalut, of which I am Judge; nor will I knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the said Court; nor will I directly or indirectly, derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize. So help me God.

Register and assistant register to the Sudder Adalut to be register and assistant register to the Sudder Foujdaree Adalut.

VII. The register and assistant register to the Sudder Adalut shall also be register and assistant register to the Sudder Foujdaree Adalut; and, previous to entering upon the duties of their offices, they shall take and subscribe before the Court, the following oath:

I, A. B

I, A. B. register (or assistant to the register) to the Court of Sudder Foudaree Adalut, do solemnly swear, that I will truly and faithfully perform the duties of the register (or assistant to the register) to this Court, according to the best of my knowledge and ability; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending, or have been decided in the Court of Sudder Foudaree Adalut, of which I am register (or to the register of which I am assistant); nor will I directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor in Council do or may authorize. So help me God.

Oath to be taken by those officers.

VIII. The native law officers and ministerial officers of the Sudder Adalut, shall also be the law officers and ministerial officers of the Sudder Foudaree Adalut, and previous to entering upon the duties of their offices, they shall make and subscribe the following solemn declaration, as prescribed by Clause Second, Section II. Regulation V. 1819.

Law officers and ministerial officers of the Sudder Adalut, to be the law officers and ministerial officers of the Sudder Foudaree Adalut.

I, A. B. kazee (mooftee or pundit, nazir or surishtadar) of the Court of Sudder Foudaree Adalut, solemnly declare, that I will truly and faithfully perform the duties of kazee (mooftee or pundit, nazir or surishtadar) of the Court, according to the best of my knowledge and ability; and that I will not receive directly or indirectly, any present or nuzzer, either in money or in effects of any kind from any party in any suit or prosecution to be instituted, or which may be depending or have been decided, in the Court of Sudder Foudaree Adalut, of which I am kazee (mooftee, pundit, nazir or surishtadar), nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize.

Declaration to be made by them.

IX. The Court shall meet as often as the state of business may require, and shall keep a regular book of its proceedings.

Court to meet as often as may be necessary.

X. *First*.—The Court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases, and to call for the proceedings of Criminal Judges and Zilla Magistrates whenever found necessary, and to pass such orders thereupon as they may deem proper and consistent with the Regulations. The Court shall also take cognizance of matters regarding the police of the country, and shall submit to the Governor in Council such Regulations regarding it, and the administration of criminal justice, as it may deem advisable.

Court to have cognizance of all matters relating to the administration of criminal justice and the police, and to call for proceedings of Criminal Judges or Zilla Magistrates.

Second.—The powers vested in the Court of Sudder Adalut to suspend from office any Judge of a Zilla Court for disobedience or neglect of any process, rule or order of the Court of Sudder Adalut, or for a false return thereto, are hereby declared to be vested in the Court of Sudder Foudaree Adalut, in similar cases of disobedience, neglect or false return, by any Criminal Judge or Zilla Magistrate, to any process, rule or order of the Sudder Foudaree Adalut, which Court is authorized and directed to proceed in such cases of disobedience, neglect or false return, as well as upon cases of neglect or misconduct by assistants to the Criminal Judges or Zilla Magistrates, or other ministerial officers, in the same manner as is prescribed for the guidance of the Sudder Adalut; and in all cases wherein a covenanted servant of the Company, employed in any Criminal Court, or in any office of police, may appear to the Sudder Foudaree Adalut to have been guilty of neglect of duty, or other misconduct, not expressly provided for by the Regulations, the Court is either to report the same to the Governor in Council, or to advise and admonish the party, as the case may require.

Powers vested in the Sudder Foudaree Adalut, in cases of disobedience or neglect, or false return to any process, rule or order by a Criminal Judge or Zillah Magistrate; and how to proceed.

General rule when a covenanted servant may appear guilty of neglect of duty or other misconduct, not provided for by the Regulations.

XI. *First*.—The jail deliveries at the seat of the Court, and in the several zillas, shall be held before the Puisne Judges of the Sudder Foudaree Adalut, in regular succession.

Jail deliveries to be held before the Puisne Judges of the Sudder Foudaree Adalut.

Second.—There shall be two general jail deliveries, annually, in each zilla, with the exception provided for in the next Clause; for which purpose each Puisne Judge shall, in rotation, make the circuit of all the zillas. The first circuit shall commence on the 1st day of March, and the second on the 1st day of October, in each year respectively.

Two general jail deliveries to be made annually, exception. One Judge to make the circuit of all the zillas. Circuits to and 1st of October.

Third.—The jail deliveries of the zilla of Surat, shall be held quarterly before one of the Puisne Judges of the Sudder Foudaree Adalut, alternately, and shall commence on the 1st of the months of January, April, July and October, respectively, in each year.

The jail deliveries for the zilla of Surat to be held quarterly, before one of the Puisne Judges of the Sudder Foudaree Adalut.

Judges to remain at the station of the Criminal Judges, until all the prisoners whose trials can be completed, are tried and sentenced, or their cases are referred to the Sudder Foujdaree Adalut.

XII. One of the Puisne Judges shall proceed to the places of residence of the Criminal Judges of the several zillas, and unless it be found indispensably necessary from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future session, the Judge shall remain at such station until all persons committed or held to bail for trial, by the Criminal Judge, shall have been tried; and (in matters in which sentence is directed to be passed by the Judge) sentence shall have been passed upon them; or (in cases in which the Judge is not authorized to pass sentence, or in which his sentence is not final) the trial referred to the Sudder Foujdaree Adalut.

Provisions for cases of death and other casualties.

XIII. In case of the death of the Judge proceeding on circuit, or of his inability to perform the circuit from sickness or any other unavoidable impediment, and in like manner, in case of the death of any of the other Judges, the earliest notice of the circumstance is to be communicated to the Governor in Council, who will make such provision for the case as he shall judge most advisable.

The native law officers of the Zilla Courts, to officiate as the native law officers to the Judge on circuit. Declaration

XIV. The native law officers of the Zilla Courts shall officiate in those capacities to the Judge on circuit; and previous to entering on the execution of their duties, they shall make and subscribe before the Judge, the declaration prescribed in Section VIII. of this Regulation.

Rules respecting examinations taken before the Criminal Judges.

Rules for the examination of parties and witnesses.

XV. First.—All examinations taken before the Criminal Judges are to be written on separate papers, signed by the deponents, attested by the signature of the Criminal Judge, and arranged according to their respective dates; and, in the examination of witnesses, as well before the Criminal Judge as before the Court of circuit, the following rules are to be strictly attended to.

Examinations to be taken down in the language preferred by the party. Party to read it or hear it read, and if approved to attest it.

Second.—All examinations of parties and witnesses are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished, or, if unable to read, it is to be read to him, after which, if he admit the record to be correct, he is to affix his name or mark to it; and the Judge, Magistrate or other officer, before whom such examinations may have been taken, is to certify the same, under his official signature, on the original record, that the proceedings may be complete, for the perusal of the Sudder Foujdaree Adalut and its law officers, in the event of the trial being referred to that Court.

Judge to certify it.

Leading questions to be avoided.

Third.—In the examination of witnesses, leading questions suggesting an answer, or having a tendency to such suggestion, are to be carefully avoided; and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess, and lead to a discovery of the truth; with this view, the parties are to be allowed to cross-examine them when necessary, for the same purpose.

Party and Judge to cross-examine.

What the examinations are to specify.

Fourth.—All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and if a married woman, the name of her husband, also the religion, cast, profession and age of the party or witness, and the place of their residence.

In what manner examinations are to be made respecting stolen goods.

Fifth.—When any stolen property, or instruments of violence, stated to have been found upon the prisoners, or in their houses, are produced before the Criminal Judge or Court of jail delivery, the prosecutor and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property, or instruments recognized by them, and the circumstances of the same having been found upon the prisoners, or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence, to which it may be applicable.

Rule to be applied to circumstantial evidence.

Admonition to be read to witnesses.

Sixth.—With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the moolla kooranee, or of the Brahmin or other officer for swearing witnesses, to repeat aloud, to them in the language which they best understand, the following admonition, immediately after they shall have been sworn respectively, viz.—

“ In delivering your evidence under the oath now administered, you are required to declare the truth, the whole truth, and nothing but the truth; you are carefully to distinguish what you personally know as eye witness, or otherwise, from what you may have heard from others; and are solemnly bound to answer all questions put to

to you on the trial before the Court, without any regard to the prosecutor or prisoner, to the best of your information and belief."

Seventh.—The Judge on circuit is to be careful to notice on his proceedings, any material differences between the depositions of the same witnesses before him, and the Criminal Judge, and is to question the witnesses thereupon and record their answers. Judge to notice any variations in the deposition of the same witnesses.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant. Deposition to be taken in writing, in the language in which the deponent is most conversant.

XVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or, if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the Judge is to determine as to the matter of fact; in the event of his deeming the charge not proved, he is immediately to pronounce the party acquitted, and to discharge him from the bar: but where, on the contrary, he considers any degree of guilt as proved on the party, he is to proceed to judgment, if the prisoner be a Christian, Parsee, or of other religious persuasion, not Moohumeedan or Hindoo, on the principles of the English law; but if the party tried be a Moohumeedan or Hindoo, the Judge is to draw up a summary of the case which is to conclude by a question thereon, to be stated to the native expositors of the law of the religious persuasion of the parties respectively, as to what punishment is thereby assigned to such offence, on the ascertainment of which, the Judge is on the spot, to pronounce judgment on the party accordingly, except in cases in which he is expressly directed not to pass sentence, and to proceed to issue his warrant for the execution of it, without further reference or delay; provided however, that in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the Judge shall transmit a copy of the sentence and of all the papers and proceedings read and recorded during the trial, to the Sudder Foujdaree Adalut, and shall not execute such sentence, but shall wait the final judgment of that Court. Manner in which the trial of the prisoner is to be conducted.

XVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a wukeel duly appointed. This rule, however, is not meant to prohibit the Judge causing prosecutors to attend in person in every case in which their *viva voce* evidence shall be deemed necessary, provided they be not Moohumeedan, Hindoo, Parsee, or other women, of a rank and situation in life which according to the custom and prejudices of the country, would render it improper to compel them to appear in a Court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the Judge shall not require the attendance of such women, but shall depute persons to take their evidence, in such manner as may be most conducive to certainty, and consistent with the manners of the country. Persons allowed to prosecute by wukeel. The rule not to prevent the Court requiring, if necessary, the personal attendance of prosecutors. Exceptions and limitations.

XIX. If the attendance of any witness on the part of the prosecutor or prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the Judge may postpone the trial until the next session, provided there shall appear to him sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the Judge may, in like manner, postpone the trial a second time. But if the Judge shall be of opinion that the evidence of any witness or witnesses who may be absent, is not necessary, he shall complete the trial without the evidence of such witness or witnesses. How the Court is to proceed in case the deposition of any witness cannot be obtained.

XX: On trials for murder, the law officers shall, where the parties tried are Moohumeedans, deliver their futwah, or law opinion upon the case, according to the doctrine of Yusuf and Moohammed, respecting which, and the law of the Hindoos likewise, the Judge may refer to the translation of the Hedaya by Hamilton, and of the Hindoo laws by Halhed, and by Sir William Jones, as likewise the tract entitled, "Observations," for the purpose of assisting him in appreciating the accuracy and the applicability of the expositions of the law officers. In cases of murder, the law officers, if the parties tried be Moohumeedans, are to deliver their futwas according to Yusuf and Moohammed.

No criminal to suffer mutilation.

Punishment to be inflicted in lieu of it.

Rule in respect to sentences for deyat or price of blood.

How the Court is to proceed, if disapproving of the legal exposition of the law officers.

Or entertaining doubts as to the proper application of the English law.

Religious persuasions of witnesses not to invalidate their testimony.

Persons convicted of putting to death any one as a forger, to be held guilty of murder, and punished accordingly. Persons holding an assembly for the trial of witchcraft, to be considered accomplices.

The Judge on circuit is, if practicable, to transmit those trials first to the Sudder Foujdaree Adalat, on which the prisoners have been sentenced to capital punishment.

The Judge on circuit is to transmit to the Sudder Foujdaree Adalat, as soon as possible after the close of a trial referable to the Court, a counterpart of the original record. In what manner such record is to be authenticated; and what it is to contain. Proceedings and papers received from the Criminal Judge to be also transmitted. Variations in the depositions of the same witness to be noticed.

XXI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be declared, in conformity to the exposition of the law officers, liable to the penalty of losing two limbs, instead of being made to undergo such punishment, he may be imprisoned and kept to hard labour for fourteen years: and if declared liable to lose one limb, he may in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The Judges are accordingly directed, whenever any criminal shall be declared liable to suffer mutilation, to commute such punishment by their sentence, for imprisonment and hard labour for the terms above prescribed, and to issue their warrant to the Criminal Judge for that purpose.

XXII. In the event of the answer of the law officer ascertaining, in the case of Moohumeedan culprits, the penalty of the law to be deyat, or the price of blood, the Court of jail delivery is to commute the fine to imprisonment for such period as it may consider adequate to the offence.

XXIII. Whenever the Judge shall disapprove of the exposition of the law, he is not to pass sentence on such cases, but shall complete the trial, and transmit to the Sudder Foujdaree Adalat, a copy of all the proceedings, and the legal exposition of the law officer, with a separate letter, stating the ground of his disapproval, and leave the case to the judgment of the Court; which may be either in concurrence with the exposition of the law, or in mitigation, but not in enhancement of the requisition thereof; and such judgment is to be valid and final. In like manner, when the Court may feel at a loss on the proper application of the English law, in the instance of the trials of Christians, Parsees or others, not being Moohumeedans or Hindoos, the Judge may make a report of the case, and submit his doubts to the Governor in Council, who will obtain for him a legal opinion on the case, by which the Judge shall be guided in passing sentence.

XXIV. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner, in cases in which the evidence given on a trial would be deemed incompetent by the Moohumeedan law, solely on the ground of the persons giving such evidence, not professing the Moohumeedan religion.

XXV. If any person or persons of any cast or persuasion within the Company's provinces, shall hereafter put any person to death, on the ground of his or her being versed in and practising sorcery, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be punished accordingly; and if any person shall either actually form themselves into an assembly, for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall cause such assemblies to be held, and any person or persons shall, in consequence, be put to death, they shall be considered as accomplices in the murder, and be dealt with accordingly.

XXVI. The Judge on Circuit is to transmit to the Sudder Foujdaree Adalat copies of his proceedings on the trial of all prisoners whom he may sentence to suffer death, or who may in his opinion be deserving of capital punishment, within ten days after the trial is completed, or as much earlier, as from the state of business may be practicable. He is further directed, in the transmission of trials to the Sudder Foujdaree Adalat, to give a preference, as far as practicable, to those trials in which the prisoner or prisoners may have been sentenced to capital punishment, or may be liable to suffer such under the Regulations.

XXVII. The Judge of the Court of Sudder Foujdaree Adalat before whom the jail deliveries for the several zillahs may be held, shall as soon as possible after the close of any trial, referable to the Sudder Foujdaree Adalat, and with no further delay than may be necessary to transcribe the proceedings held thereupon, transmit to that Court a complete and exact counterpart of the original record of all proceedings held, and papers received, relative to such trial. The record to be so transmitted is to be authenticated by the signature of the Judge before whom the trial may have been held, and is to include the whole of the proceedings held before the Court, with every examination, exhibit, or material paper of whatever denomination, taken by or delivered to that Court. The whole of the proceedings and papers received from the Criminal Judge upon the case referred, are also to be annexed to, and transmitted with the proceedings of the Court; but any variations between the depositions of the witnesses before the Criminal Judge and Court of jail delivery are to be carefully noticed on the proceedings of the latter; and any confessions

confessions of the prisoners before the Criminal Judge, any inquests taken in cases of homicide, or any other evidence appearing on the proceedings of the Criminal Judges, are to be entered, with the necessary proofs, on the proceedings of the Court of jail delivery.

Confessions of prisoners, inquests and other evidence before the Criminal Judge, when to be entered, and how.

XXVIII. The Judge on circuit is empowered to direct the Criminal Judge to cause any person or persons who may be guilty of contempt of Court, in open Court, to suffer corporal punishment with a rattan, not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.

Punishment to be inflicted on persons guilty of contempt of Court, in open Court.

XXIX. The Judge on circuit is to report to the Sudder Foujdaree Adalut, every instance in which it shall appear to him that the native law officers have shown incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Incapacity or misconduct in public duty, or profligacy in private behaviour, in the law officers, to be reported to the Sudder Foujdaree Adalut.

be reported to the Sudder

XXX. The Judge on circuit is to visit the jails, civil as well as criminal, on every circuit, and to issue to the Judge, or Criminal Judge, such orders as may appear to him advisable for the better treatment, accommodation, or security of the prisoners.

Judge on Circuit to visit the criminal and civil jails; to issue orders for the better treatment, accommodation and security of the prisoners.

XXXI. The Judge on circuit is to report to the Sudder Foujdaree Adalut, every instance in which it shall appear to him that Criminal Judges or Zilla Magistrates have been guilty of neglect or misconduct in the discharge of their duty. He is also to acquaint the Sudder Foujdaree Adalut whenever the Criminal Judges or Zilla Magistrates omit or refuse to obey his orders.

Neglect or misconduct of the Criminal Judges or Zilla Magistrates to be reported to the Sudder Foujdaree Adalut.

XXXII. The Judges, individually, may submit to the whole Court, such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

The Judges, individually, to submit to the whole Court, rules for the better regulation of trials and other matters.

regulation of trials

XXXIII. The Judges on their return from each circuit, are to lay before the whole Court, a report containing such observations as they have made during the circuit, regarding the effect of the present system, for administering the criminal laws, in the prevention and punishment of crimes, as well as respecting the state of jails, the treatment and employment of the prisoners, and such other matters as they may think deserving the notice of the Court.

Judges after each circuit to report their observations on the effect of the system, the state of the jails and other particulars.

XXXIV. *First.*—No pecuniary compensations, nor sums as damages, shall be adjudged to, or be recoverable by individuals in any criminal prosecution; nor shall any fines be imposed by any Court of criminal jurisdiction, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the Court, which may pass the sentence, shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which, the persons convicted shall be discharged, although they should have omitted to pay the fine. The imprisonment awarded under this Section, as an equivalent for fines imposed, shall be temporary in all cases, and not for life; and such sentences shall be executed without reference to the Sudder Foujdaree Adalut.

Pecuniary compensations and sums as damages to individuals, not to be recoverable in the Criminal Courts. Fines how to be imposed; for whose use; what period of imprisonment is to be held equivalent to the fine.

Second.—Whenever the law officers of the Court of jail delivery shall declare prisoners liable to pecuniary fines of any kind, for any other acts than murder, the Court shall, at its discretion, commute such fines to imprisonment for such period as it may think adequate to the offence, and the sentences in such instances shall be carried into execution, without reference to the Sudder Foujdaree Adalut, if for temporary imprisonment; or referred to that Court, if for imprisonment for life, which shall at its discretion confirm the said sentences, or mitigate, or entirely remit the imprisonment awarded.

Court of jail delivery empowered in certain cases to commute sentences of fines to imprisonment for a term, or for life; but when for life, their sentences, referrible to the Sudder Foujdaree Adalut.

Third.—Nothing contained in this Section shall be construed so as to prohibit the restitution to the lawful owners of stolen property, recovered and produced before the Criminal Judges, and Court of jail delivery, nor to restrict the Criminal Court from adjudging a reimbursement of costs actually incurred, upon a prosecution before it, by either of the parties thereto, in particular instances, wherein it may consider such reimbursement just and equitable; nor to restrict the Zilla Magistrates and Criminal Judges from making the award of the whole or portion of a fine, in cases of personal injuries, prescribed by Clause Second, Section XXXVII. and Section LXXIV. Regulation III. 1818.

This Section not to prevent the restitution of stolen goods nor of reimbursement of costs in particular cases; nor the application of a fine when levied in cases of personal injury, provided for by Clause Second Section XXXVII. and Section LXXIV. Regulation III. 1818.

Appeals to be tried by the Puisne Judge on circuit in the Southern Concan.

XXXV. A Puisne Judge of the Sudder Foujdaree Adalut, when on circuit in the zilla of the Southern Concan, is hereby authorized to try appeals, under the general Regulation, in causes in which the ground of action may arise within that remote district, and which shall have previously been regularly admitted upon the file of the Sudder Adalut.

Authority for the Judge's proceeding, and how his acts are to be regulated.

XXXVI. An order of Court by the Sudder Adalut, shall be the authority for the Judge's proceeding in such cases; and his acts shall be regulated by the like powers and subject to the same restrictions, limitations and exceptions as are prescribed to the Zilla Court.

If the decree affirm the decision of the lower Court, a further appeal to the King in Council only to be allowed.

A special appeal to the Sudder Adalut, or regular appeal to the King in Council, at the option of the

XXXVII. If the decree of the Judge, acting under the authority granted by the the two preceding Sections, affirm the decision of the lower Court, no further appeal shall be allowed, except the party cast be desirous of carrying the suit before the King in Council; but when his decision may have reversed the decree of the lower Court, the party cast may prefer a special appeal in the case to the Sudder Adalut collectively, under the conditions prescribed by the Regulations for such appeals, or he may appeal the case, in a regular manner, to the King in Council.

Powers granted to the Judge on Circuit to enquire into and regulate the proceedings of the Zilla Civil Courts.

And to introduce improvements.

XXXVIII. The Judge on circuit, in addition to the powers of superintendence and revision vested in him by the existing Regulations, shall also have authority to enquire into and regulate the proceedings of the Zilla Civil Courts, with the view to maintain a due obedience to the Regulations of the Government, and an uniformity of system; it shall also be competent for him to propose the introduction of improvements in the method of proceeding in any zilla which may have been found useful in another.

Provisions for their guidance on a difference of opinion arising between the Judge on circuit and the local authorities, on the meaning and construction of any Regulation referred to by the former.

And for a reference to the Governor in Council in the event of those authorities entertaining doubts of the utility or fitness of any improvement suggested by the Judge on circuit.

How to be determined.

XXXIX. Should any difference of opinion arise between a Judge on circuit, exercising the functions prescribed in the foregoing Section, and a Judge, Criminal Judge, or Zilla Magistrate, regarding the meaning and construction of any Regulation referred to by the former, in any order or instructions he may issue to such local authorities, the question shall be referred to the Sudder Adalut, or Sudder Foujdaree Adalut, collectively, according as it may be connected with the administration of civil or criminal justice, which Courts shall proceed to decide upon it agreeably to the provisions of Regulation VIII. 1820. But, should a Judge, Criminal Judge, or Zilla Magistrate, entertain doubts of the utility of any improvement suggested by the Judge on circuit, for which no specific provision by Regulation may have been made, and the Judge, after duly considering the objection stated, continue of opinion that the suggested improvement ought to be introduced, he shall suspend further proceeding, and report the circumstances of the case, with his sentiments thereon, to the Governor in Council, who, if agreeing with the Judge on circuit as to the utility and fitness of the suggested improvement, will either direct the Sudder Adalut, or Sudder Foujdaree Adalut, according as the question may pertain to the administration of civil or criminal justice, to frame a corresponding Regulation, and submit it to the Government, or will issue such orders on the case as may be judged most proper; should the Governor in Council disapprove of the improvement recommended, and communicate his sentiments to the Judge, or Court collectively, all proceedings therein shall thenceforward cease.

Jurisdiction of the Sudder Foujdaree Adalut in matters referred to the Court, by the Judge on circuit.

XL. The Court of Sudder Foujdaree Adalut shall have jurisdiction and authority to decide on all matters referred to it by the Judge on circuit; wherein, after considering the proceedings, it is either to require further evidence, if it see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the law of the religion of the party or parties tried, or the custom of the country, without being bound by the former, in cases of Moohumeedan culprits, where the law of that religion may declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand kissas or retaliation; or by its failure, from the parties standing in the relation of parent and child, or master and slave, or otherwise, in which cases, the final sentence is to be pronounced, as if the parties had not stood to each other in these relations.

Chief Judge to be fixed at the seat of the Court. Three Judges, whenever practicable, to sit on trials referred by the

XLI. *First.*—It being expedient that the Chief Judge of the Sudder Foujdaree Adalut, should remain fixed at the seat of the Court, for the conduct of the public business, and that the proceedings on trials referred to the Court collectively, by a Puisne Judge on circuit, should, in every instance, come before three Judges, unless

unless when the absence of any member of the Court shall be caused by sickness or other unavoidable impediment; and as the reference of cases by the Judge delivering the jail of Surat, at the quarterly sessions established for that zilla, will generally be made while a Puisne Judge is absent on circuit, it is further advisable that the Chief Judge should preside in the Court composed of two Judges, which shall revise such proceedings, and this is accordingly, together with the provision made in the first part of this Clause, hereby so provided for and directed. It shall also be considered an invariable rule, that the Judge who tried a case or referred any question to the Sudder Foudaree Adalat, shall forbear to attend the Court when such case is revised or question examined, although present at the seat of the Court at the time.

Second.—On the receipt of the proceedings referred to the Court by a Judge on circuit, the Court of Sudder Foudaree Adalat, consisting of not less than two Judges, shall meet, and the register shall lay before them the proceedings of the Judge, including the question propounded by him, and referred for the opinion of the native law officer, with the exposition of the law thereon. After duly considering the same, if the Court concur in the conviction, they shall require their law officers to state in writing, whether the futwah or wuwusta of the law officer is conformable to the laws of the religion of the defendants or accused parties; if it be not, they shall state what futwah or wuwusta ought in their opinion, to have been delivered, and subscribe their names to their respective opinions; when the Court of Sudder Foudaree Adalat, after perusing the proceedings of the Judge on circuit, the futwah or wuwusta of the law officers of that Court, and the futwah or wuwusta of those of the Sudder Foudaree Adalat, shall pass the final sentence.

Puisne Judge on circuit. Chief Judge not to sit on the quarterly sessions at Surat, that he may be able to preside in the Court of Sudder Foudaree Adalat, trying references from the sessions.

Court of Sudder Foudaree Adalat consisting of not less than two Judges, to meet on receiving references from the Judge on circuit. The law officers to be required to state in writing their opinion of the futwah or wuwusta.

Court to pass sentence.

Third.—In any sitting of the Sudder Foudaree Adalat, held before three Judges, a difference of opinion shall be regulated by the majority; when two Judges sit, the senior shall have the casting voice, on a difference of opinion, provided he concur with the Judge on circuit, before whom the trial under reference may have been held; but if the senior Judge shall not concur, with respect to the conviction of the prisoner, sentence shall not be passed until another Judge of the Sudder Foudaree Adalat can sit with them upon the trial.

Provisions for the guidance of the Court on a difference of opinion among the Judges.

XII. The Judges of the Sudder Foudaree Adalat on passing the final sentence, shall immediately issue their warrant to the proper Criminal Judge, to cause the sentence to be carried into execution. The Criminal Judge, upon the receipt of the warrant, shall cause the sentence to be executed, without delay, and return the warrant to the Court of Sudder Foudaree Adalat, with an endorsement, attested with his official seal and signature, certifying the manner in which the sentence has been executed.

Judges to issue their warrant directing execution of the sentence so soon as passed. Criminal Judge to cause the sentence to be executed immediately upon the receipt of the warrant.

XLIII. If any criminal who may be sentenced to suffer death shall appear to the Sudder Foudaree Adalat to be a proper object for mercy, the Sudder Foudaree Adalat is authorized to suspend the execution of such sentence, and to submit the case, with a corresponding recommendation, to the Governor in Council, who may grant a pardon to him or her, or make such commutation of the punishment as may seem proper.

Cases of criminals sentenced to death, who may appear to be deserving of mercy, to be submitted for pardon to the Governor in Council.

XLIV. In cases of a heinous nature, such as murder, gang robbery, arson and the like, wherein the crime may be known to have been committed by several persons, the principal of whom may not have been apprehended or convicted, if on the representation of the Criminal Judge or Zilla Magistrate, or Judge of Sudder Foudaree Adalat on circuit, it shall appear to the Sudder Foudaree Adalat, that an offer of pardon to one or more of the supposed accessaries (on condition of their making a full disclosure of every circumstance within their knowledge, relative to the commission of the crime, and the several persons concerned in it), may lead to the apprehension or conviction of the principal offender or offenders, the Court is to submit the case to the Governor in Council; who, if he approve the same, will authorize such offer of pardon; and, on the condition of it being fulfilled, the Sudder Foudaree Adalat is to confirm it by a written certificate or testimonial, under the signature of its register, and the seal of the Court, to be delivered to the party or parties for his or their security, as far as regards the act or acts therein referred to.

The Sudder Foudaree Adalat may recommend a pardon to accessaries in crimes of a heinous nature, for the apprehension or conviction of the principal offenders.

In what manner such pardon is to be granted.

The Judge on circuit, and Criminal Judges and Zilla Magistrates, to report cases in which a pardon for the above purpose should be offered.

XLV. The Puisne Judge on circuit, and the several Criminal Judges and Zilla Magistrates, are to report to the Sudder Foujdaree Adalut whenever it may appear to them expedient to tender an offer of pardon, for the purpose stated in the foregoing Section; communicating at the same time all the information they may possess respecting the circumstances of the case, as well as the measures taken to apprehend or convict the offenders, for whose apprehension or conviction the proposed pardon may be recommended.

Transportation beyond sea confined to convicts sentenced to confinement for life. How to be adjudged.

XLVI. First.—Transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life may be passed against a prisoner, whether by a Court of jail delivery in the first instance, or finally by the Sudder Foujdaree Adalut, the Court passing such sentence, if it deem the prisoner a proper object of transportation beyond sea, shall at the same time, adjudge him or her to be transported for life.

Powers of the Courts in regard to convicts sentenced to confine-

Second.—In the cases of convicts sentenced to confinement for life, whom a Court of jail delivery, or the Sudder Foujdaree Adalut, may not consider proper objects of transportation beyond sea, under the preceding Clause, as well as

non beyond sea, as also in respect to convicts sentenced to a limited period.

by whom the sentence is passed, if it deem the same proper on consideration of the prisoner's offence, may adjudge him to be banished during the period of his sentence, from the district in which his place of abode is situated; and to be kept to hard labour on the public roads or other public works, in any other district to which he may be removed by order of the Sudder Foujdaree Adalut.

Reports to be made by the Criminal Judges of convicts sentenced to be transported or banished under the two preceding Clauses.

Third.—The Criminal Judges of the several zillas, at the close of the jail delivery of their respective districts, or at any other period when the same may be required by the Sudder Foujdaree Adalut, shall transmit to that Court a list of the convicts in their respective jails who may have been sentenced to transportation beyond sea, or to banishment from the district in which the offenders may have resided, under each of the two preceding Clauses; specifying in such lists the names, ages, crimes and sentences of the several convicts; and in the list of those sentenced to banishment, the district in which they may have usually resided before they were brought to trial.

Sudder Foujdaree Adalut declared competent to order the removal of convicts under sentence of imprisonment, to any jail or district within the Company's possessions.

Fourth.—The Sudder Foujdaree Adalut is declared competent to order the removal of all convicts under sentence of imprisonment, to any jail or district within the Company's possession, in which it may be thought proper to keep or employ them during the period of their respective sentences, although no specific sentence of banishment may have been passed against them under Clause Second of this Section. But no such removal shall take place without the special order of the Sudder Foujdaree Adalut.

Section IV. Regulation III. 1802 rescinded. Convicts escaped from jail, or otherwise, during their sentences, and re-apprehended, to be brought to trial for such escape, or for any acts of violence attending the same. How punishable on conviction.

XLVII. First.—Section IV. Regulation III. 1802, is hereby rescinded. Convicts sentenced to imprisonment by a Court of jail delivery, or by the Sudder Foujdaree Adalut, who during the period of their sentences may escape from jail, or other place of confinement, or from the roads, or any other place where they may be employed, and who may be re-apprehended, shall be brought to trial before a Court of jail delivery for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and on conviction they shall be liable to such further punishment in addition to their former sentences, as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

Convicts under sentence of transportation for life, who may be transported after the promulgation of this Regulation, and shall escape and return, without permission, to any part of the Company's territory under the

Second.—Any convict under sentence of transportation for life, who may be transported to any place beyond sea, and shall escape from such place of transportation, and return without permission, to any part of the Company's territory under the Presidency of Bombay, shall (notice of this penalty being duly made to the convict at the time of passing sentence on him), on conviction thereof, to the satisfaction of the Sudder Foujdaree Adalut, and if no circumstances appear to that Court to render such convict an object of mercy, be adjudged to suffer death.

Criminal Judges in certain cases empowered to pass sen-

XLVIII. First.—In extension of the powers of punishment vested in the Criminal Judges by Section XLVII. Regulation III. 1818, and by Section VI. Regulation

Regulation IX. 1819, it is hereby provided, in cases of conviction before a Criminal Judge of a criminal offence, for which the Criminal Judge may deem imprisonment for a period above two years and not exceeding seven years, with or without hard labour, an adequate punishment, the Criminal Judge shall pass sentence accordingly, but suspend execution of it until he shall have referred the case, together with copies of all papers belonging to or connected with it, for the approval of the Sudder Foujdaree Adalut, which reference he is required to make within fifteen days from the date of the sentence; and the order of the Sudder Foujdaree Adalut confirming, mitigating, altering or annulling the sentence, shall be final.

Sudder Foujdaree Adalut empowered to confirm, mitigate, alter or annul such sentence.

Second.—The Criminal Judges are hereby empowered to pass and carry into execution sentences of imprisonment, with or without hard labour, for a term not exceeding two years, without making the reference required by the preceding Clause; all such sentences being revisable under the provisions of Section LXIV. Regulation III. 1818. But the additional authority given by this Section to Criminal Judges, is not extended to their senior assistants, unless when the latter may be officiating in the office of Criminal Judge by the special appointment of the Governor in Council; the powers of awarding punishment of senior assistants to Criminal Judges remaining as heretofore, and being no longer co-extensive with those of the Criminal Judges.

by these provisions, but to

tenure of imprisonment with or without labour for a term not exceeding seven years; but all cases, in which the sentence may award imprisonment for a period of more than two years, are to be referred for the approval of the Sudder Foujdaree Adalut.

Criminal Judge to pass sentence of imprisonment if for any term below two years, without reference to the Sudder Foujdaree Adalut; such sentences being nevertheless revisable under the Regulations. Powers of the senior assistants to Criminal Judges not enlarged remain as heretofore.

XLIX. To obviate any misunderstanding and difficulty from the denominations of Provincial Court of Circuit, and Superior Tribunal continuing unaltered in many places of the general Regulations, as an entire change of the text in this respect would be attended with much inconvenience, it is hereby provided, that whenever reference is made in direct terms, or by inference, in any existing Regulation, to the former Provincial Court of Circuit, or Superior Tribunal, this shall henceforth be held and taken to apply to the Sudder Foujdaree Adalut only, in either its highest or subordinate capacity, according as the matter referred to may relate to one or other of the former Courts.

Provision for determining the application of the denominations, Provincial Court of Circuit, and Superior Tribunal, in the existing Regulations.

A. D. 1820. REGULATION VIII.

A REGULATION for rescinding Regulation XI. 1812, and for re-enacting its provisions for the guidance of the Courts of Justice, in cases of a difference of opinion on the meaning and construction of the Regulations, in a form to correspond with the existing powers and functions of the Courts of Sudder Adalut, and Sudder Foujdaree Adalut.—Passed by the Honourable the Governor in Council on the 29th of November 1820, corresponding with the 9th of Kartick Vud Sumbut or Vikramajeet era 1877; Salbahan 1742; and 22d of Suffer 1236 of the Hijree.

WHEREAS the new constitution of the Court of Sudder Adalut, and abolition of the Provincial Court of Appeal, together with the junction of the duties of the former superior Tribunal and Court of Circuit, in the Court denominated the Sudder Foujdaree Adalut, renders it necessary to rescind Regulation XI. 1812, in its present shape, but to re-enact its provisions under a form corresponding with the powers and functions of the said Courts, as now established, the Governor in Council has therefore passed the following Rules, to have effect from the 1st of January 1821.

Preamble.

II. Regulation XI. 1812 is hereby rescinded.

Regulation XI. 1812, rescinded.

III. Whereas doubts may arise as to the duty of Zilla Judges, Criminal Judges, or Zilla Magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the Judges of the Sudder Adalut or Sudder Foujdaree Adalut; and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases, it is hereby enacted.

Reasons for the provisions enacted by this Regulation.

IV. In all instances wherein a precept issued by the Courts of Sudder Adalut or Sudder Foujdaree Adalut, to a Zillah Judge, or Criminal Judge, or Zillah Magistrate, shall appear to such Judge or Magistrate to be contrary to, or unwarranted by the existing Regulations, he is authorized to state to the Court of Sudder Adalut

Zillah Judges, Criminal Judges and Zilla Magistrates may state objections to precepts of the Sudder Adalut or Sudder Foujdaree

Adalut, if considered contrary to or unwarranted by the Regulations, and suspend execution till receipt of a second precept.

To comply with a second precept; but if still of opinion the precept is unwarranted may request that the case be laid before the Governor in Council.

Proviso.

Determination of the Governor in Council to be conclusive.

Sudder Adalut or Sudder Foudaree Adalut to report to the Governor in Council any case in which they have doubts on the meaning of the Regulations.

Adalut or Sudder Foudaree Adalut, in what respect he considers their precept to be in deviation from the Regulations; and suspend execution until the receipt of a second precept, in reply to his objections. But if the second precept of the Sudder Adalut or Sudder Foudaree Adalut, in reply to the objections of the Zillah Judge, Criminal Judge, or Zillah Magistrate, shall confirm their first precept, in whole or in part, and shall require the Zillah Judge, Criminal Judge, or Zillah Magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case however the second precept of the Sudder Adalut, or Sudder Foudaree Adalut shall not satisfy the Zillah or Criminal Judge, or Magistrate that the Regulations have been rightly construed, he is at liberty, at the same time that he certifies the execution of the order of the Sudder Adalut or Sudder Foudaree Adalut, to request that the Judges will transmit copies of their precepts to him, and of his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case to the Governor in Council; and the Sudder Adalut shall accordingly transmit such papers, as requested, without any unnecessary delay: provided nevertheless, that nothing in this Regulation be understood to authorize any Zillah Judge, Criminal Judge or Zillah Magistrate to question the propriety of any order issued by the Sudder Adalut or Sudder Foudaree Adalut, in cases clearly left to the discretion and judgment of these Courts by the Regulations; the reference to them, meant to be authorized by this Regulation, being confined to cases in which the sense of the Regulations, from a difference of construction or otherwise, may appear doubtful and uncertain.

V. In all references made under the preceding rule, the determination and order thereon of the Governor in Council is to be held final and conclusive by the Sudder Adalut, Foudaree Adalut, Zillah and Criminal Judges, and Magistrates.

VI. Should any doubt occur to the Sudder Adalut or Sudder Foudaree Adalut with respect to the meaning of any part of the Regulations, or should it appear to them on occasion of any reference under the preceding rule, that the Regulations do not sufficiently provide for the case before them, they are, in the former case, to report the circumstances of it to the Governor in Council, that a new Regulation may be framed, in explanation of such doubt; and, in the latter case, are to propose a new Regulation.

RULE, ORDINANCE AND REGULATION I. 1820.

A RULE, Ordinance and Regulation for establishing an effective control over the shipping resorting to the port of Bombay; for preventing the desertion of the crew of ships; the European soldiers of the garrison offering themselves as seamen, and for the better security of the harbour and dock-yard of Bombay.—Passed by the Honourable the Governor in Council of Bombay on the 31st of May 1820; and registered in the Honourable the Court of the Recorder of Bombay on the 11th day of July 1820.

Preamble.

WHEREAS, by the statute passed in the forty-seventh year of his late Majesty king George the Third, intituled, "An Act for the better Government of the settlements of Fort St. George and Bombay," it is enacted, that it shall be lawful for the Governor in Council to make and issue Rules for the good order and civil government of this Island, subject to the previous condition of being duly registered and published in the Court of the Recorder of Bombay, and to such other conditions as are imposed by the statutes of the thirteenth, thirty-ninth and fortieth of his late Majesty, upon the exercise of a like power at Fort William in Bengal by the Governor General in Council; and whereas it is expedient, that certain provisions and rules contained in Regulation II. A.D. 1810, intituled, "A Regulation for the Port of Bombay, passed by the Governor in Council on the 30th September 1810, &c." should be amended and modified; and together with other new rules and provisions for the better government of the Port of Bombay, be promulgated in due form, and receive undisputed legal authority.

Be it therefore ordained, by the authority of the Honourable the Governor in Council now assembled, and in virtue of the power by the said statute conferred, that

that from and after the due registry and publication of this Rule, Ordinance and Regulation in the Court of the Recorder of Bombay, the said Rule and Ordinance, consisting of the Articles hereinafter stated, shall have the full force of law within this island, and shall be strictly obeyed as such by all his Majesty's subjects, and other persons inhabiting or residing, or being in the same.

ARTICLE I.—Captains of the Honourable Company's Ships, as well as all commanders of licensed and country ships or vessels arriving at the Port of Bombay, are hereby directed to report, themselves in person, at the superintendent's office, on landing from their respective ships, to produce the ship's log-book, and authority for receiving all passengers or persons on board, in his Majesty's and in the Honourable Company's service, and all others who may not be part of their crew. The log-book will be returned without any unnecessary delay. No merchant ship or vessel will be admitted to entry at the Custom-house without a certificate from the superintendent of marine that the provisions of this Article have been complied with.

Captains of ships to report arrival, to the superintendent of marine, to produce ship's log, and authority for passengers;

and which neglecting, the ship not admitted to entry.

ART. II.—Captains of the Honourable Company's ships, as well as all commanders of licensed and country merchant ships and vessels, shall on their arrival, deliver to the inspector of the port a list of the crew and passengers on board at the time of the ship's arrival; another list is to be delivered to the same officer, of all the persons on board at the departure of the said ship, and the said list is to show all the casualties that have occurred (by deaths, desertions, discharges or new shipments) while the said vessel remained in harbour. A port clearance shall not be countersigned by the superintendent of the marine, unless it be accompanied by the departing list, corrected in the manner required by this Article.

To deliver a list of crew and passengers to the inspector of the port, on arrival, and list of casualties at departure.

On failure, port clearance refused.

ART. III.—Before any European seaman, or other European or American is discharged from any ship in the harbour to the shore, previous notice shall be given to the senior magistrate of police, when such European or American is to be sent to the Police Office for registry; and in all cases of desertion, immediate notice thereof is to be given to the senior magistrate of police, with the name and particular description of the person or persons deserting, in order that he or they may be apprehended, and returned to their ships; on the apprehension of such deserter, a reward of rupees eight will be given, to be charged against the ship to which he may belong, to be paid to the person or persons by whom such service shall have been performed.

Notice to be given to the senior police magistrate of the discharge of seamen, for registry; and in case of desertion, for apprehension;

and a reward granted, chargeable on the ship.

Commanders or others, who shall discharge any European seamen, or European or American from on board their ships, or shall suffer any European or American to be so discharged, without giving previous notice to the senior magistrate of police, or shall wilfully suffer any such persons to desert, without giving immediate notice thereof to the senior magistrate of police, in manner and form as required by the above Article, shall for the first offence, be fined five hundred rupees, and for the second and each succeeding offence, be fined one thousand rupees.

Penalty for non-compliance.

ART. IV.—No European seaman or other person (being an European or American) is to be received or entertained on board any ship or vessel in the harbour from the shore, without permission in writing from the superintendent, if he be a seaman, or the town major if he be a soldier. Commanders, or others who shall be guilty of a breach of this article, and shall entertain Europeans on board their ships, who may prove to be deserters from His Majesty's or the Honourable Company's naval, military or marine services, shall for the first offence be fined five hundred rupees, and for the second and each succeeding offence, be fined one thousand rupees.

Permission of the superintendent if a seaman, and of the town major if a soldier, necessary before receiving any person on board.

Penalty for neglect.

ART. V.—No ballast of any description is to be thrown overboard from any ship or vessel within the harbour. Any commander or officer against whom a breach of this prohibition shall be proved, shall for the first offence be fined six hundred rupees, and for the second one thousand rupees, and the like sum for all succeeding breaches of this Regulation. A reward of ten rupees will be paid to any person who shall be able to establish a breach of this prohibition.

Ballast not to be thrown overboard.

Penalty.

Reward for information.

ART. VI.—No merchant ship or vessel shall sail out of this harbour without a port clearance. Commanders and others offending against this Regulation, will be considered as having forfeited their licenses, and shall be treated accordingly.

No merchant ships to sail without a port clearance, on pain of forfeiting their license.

Ships in dock not to land lumber without permission; and it is to be removed previous to leaving dock.

ART. VII.—The ships and vessels in the dock are not to land any lumber whatever on the dock piers, without the permission of the Superintendent, and care is to be taken to remove all such lumber, and clean the place in which it may have been deposited, before the vessel goes out of dock. In the event of any dirt or lumber being left on the dock piers, when a ship is going out of dock, the same will be removed, and the expense thereof charged to the ship.

Natives unemployed in the dock yard not admitted there.

ART. VIII.—No native of any description, not engaged in the service of the dock yard, or of His Majesty, or the Honourable Company's ships and vessels, and concerned in the ships under repair, shall be admitted into the dock yard. Native found in the dock yard, contrary to this Regulation, and who shall not leave the place immediately on notice being given to them by the orders or authority of the superintendent of marine, or master attendant, to quit the same, shall be punished by the petty sessions.

Penalties under this Regulation to be sued for in the Court of Recorder or Court of Requests.

ART. IX.—All breaches of this Rule, Ordinance and Regulation, and all fines, penalties, forfeitures, debts and sums of money incurred or due, under and by virtue thereof, unless where otherwise provided for, shall be prosecuted and sued for in the Court of the Recorder; provided always, that in case the amount of such fine, penalty, forfeiture, debt and sum of money shall not exceed the sum of rupees eighty, it shall be sued for in the Court of Requests.

P A P E R S
RELATING TO
EAST INDIA AFFAIRS:
VIZ.
R E G U L A T I O N S
PASSED BY THE GOVERNMENTS
OF
BENGAL AND FORT ST. GEORGE,
IN THE YEAR
1822.

(Presented in pursuance of Act 53 Geo. III. c. 155, sec. 66.)

*Ordered, by The House of Commons, to be Printed,
11 March 1824.*

I. —BENGAL - - - - - pp. 5—49

II.—FORT ST. GEORGE - - - - - pp. 50—69

REGULATIONS Passed by the Governments of India in the Year 1822 :—
Presented to the Honourable the House of Commons, in pursuance of an Act of Parliament of the 53 Geo. III. c. 155, sec. 66 ;—Viz.

I.—By the Governor General in Council of BENGAL, in the Year 1822 ;

N° I. to XI.

Regulation.

I.—For amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809 :—
Passed on the 18th January 1822 - - p. 5

II.—For modifying certain Provisions in the existing Regulations relative to the Officers employed in the collection of Government Customs and Town Duties :—

Passed on the 19th March 1822 - - p. 6

III.—For modifying the constitution, and altering the jurisdiction of the several Boards vested with the superintendence of the Land Revenue, in the territories belonging to the Presidency of Fort William :—

Passed on the 19th March 1822 - - p. 7

IV.—To provide for the more effectual administration of Criminal Justice in certain cases :—

Passed on the 29th March 1822 - - p. 9

V.—For amending certain provisions of Regulation IX. 1808 :—

Passed on the 13th June 1822 - - p. 10

VI.—To establish a Court of Wards for Benares, and to define and explain certain of the rules regarding the powers and jurisdiction of the several Courts of Wards :—

Passed on the 1st of August 1822 - - p. 11

VII.—For declaring the principles according to which the settlement of the Land Revenue in the ceded and conquered provinces, including Cuttack, Puttaspore and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising or superintending settlements ; for continuing, with certain exceptions, the existing leases within the said provinces for a further term of five years ; for defining, settling and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof ; and for vesting the Revenue authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent and produce of land :—

Passed on the 8th August 1822 - - p. 12

VIII.—To declare that persons charged with crimes and misdemeanors must ordinarily be brought to trial at the foudaree court or sessions of the district in which such crimes or misdemeanors may be perpetrated, and to vest the Governor General in Council and the Nizamut Adawlut with a discretionary power as to the place of trial :—

Passed on the 12th September 1822 - - p. 20

IX.—To extend the rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, to emigrants from foreign states, and other aliens settled in the British territories, or living and residing therein for a period of six months and upwards ; also to provide for the execution, by Zillah and City Magistrates, of sentences passed by tribunals established by Government in countries not subject to the general Regulations :—

Passed on the 19th September 1822 - - p. 31

X.—For exempting the Garrow mountaineers, and other rude tribes on the north-eastern frontier of Rungpore, from the operation of the existing Regulations, and for establishing a special system of Government for the tract of country occupied by them, or bordering on their possessions :—

Passed on the 19th September 1822 - - p. 32

XI.—For modifying and explaining the existing Regulations relative to the sale of land for the recovery of arrears of Revenue ; for declaring Government not to be liable for any errors or irregularities in the proceedings of the courts of justice ; and for making further provision for the conduct of the Revenue Officers in certain cases :—

Passed on the 22d November 1822 - - p. 35

II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1822 ;

N° I. to IX.

Regulation.

I.—For the more exemplary punishment of robbery by open violence :—

Passed on the 5th March 1822 - - - p. 50

II.—To provide for the more effectual administration of Criminal Justice in certain cases ; and to alter certain provisions of the Regulations now in force :—

Passed on the 2d April 1822 - - - p. 51

III.—For extending the operation of Regulation VII. of 1818 :—

Passed on the 28th May 1822 - - - p. 53

IV.—Declaring the true intent and meaning of Regulations XXV. XXVIII. and XXX. of 1802, so far as they relate to the rights of the actual cultivators of the soil :—

Passed on the 12th July 1822 - - - p. 54

V.—For vesting in Collectors, authority to take primary cognizance, in certain cases, of suits cognizable summarily by the Zillah Courts, under Regulation XXVIII. and XXX. of 1802 ; and otherwise modifying the provisions of those Regulations ; for rescinding Regulation XXXII. of 1802 ; and for vesting in Collectors, the summary cognizance of cases which under that enactment were cognizable by the Zillah Courts ; and for authorizing Collectors to refer all such suits to Panchayets for decision ; and for extending the provisions of Regulation XII. of 1816 :—

Passed on the 19th July 1822 - - - p. 54

VI.—For extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal ; or charged with theft, or with buying or receiving stolen property knowing the same to have been stolen ; or charged with escape from jail or other place of confinement :—

Passed on the 19th July 1822 - - - p. 58

VII.—For rescinding Regulation I. of 1809, and Regulation V. of 1811, and for declaring that the appointment and removal of the native public servants of Government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue :—

Passed on the 12th July 1822 - - - p. 62

VIII.—To rescind Regulations III. of 1809 ; II. of 1810 ; and VI. of 1818 ; and to make provision for the investigation of the conduct of the Public Officers of Government. European or Native, when necessary, in the way which in each particular case may be deemed most convenient :—

Passed on the 6th December 1822 - - - p. 62

IX.—For empowering Collectors to take primary cognizance of cases of malversation in revenue affairs ; for prescribing the rules to be observed in such investigations, and in the recovery of money embezzled or corruptly received by public servants and others amenable to the Collectors jurisdiction ; for providing for the admission and trial of appeals from the summary decisions of Collectors in such cases ; for declaring the powers of Criminal Judges and Courts of Circuit in the punishment of the offences specified in this Regulation ; and for rescinding Regulation XXXIII. of 1802 :—

Passed on the 20th December 1822 - - - p. 63

No Regulations have been received from the Governor in Council of BOMBAY, of the Year 1822.

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,
in the Year 1822. N^o I. to XI.

A. D. 1822. REGULATION I.

A REGULATION for amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809:—Passed by the Governor General in Council on the 18th January 1822; corresponding with the 6th Maug 1228 Bengal era; the 11th Maug 1229 Fussly; the 7th Maug 1229 Willaity; the 11th Maug 1878 Sumbut; and the 23d Rubee-us-Sanee 1237 Higerce.

WHEREAS it has been deemed advisable that persons engaged in affrays, and native subjects of the British Government, committing criminal offences in places out of the limits of the British provinces, should in cases of minor importance, and of an unaggravated nature, be declared punishable by the magistrates, without commitment to the Courts of Circuit; and whereas Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809, have been held to place the punishment of such offenders beyond the competence of the magistrates, and to render their commitment for trial to the Courts of Circuit indispensable; the following rules have been enacted, to be in force throughout the British territories immediately subject to the Government of the Presidency of Fort William, from the date of their promulgation. Preamble.

II. Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809, are hereby amended. Regulations amended.

III. All persons charged with being concerned in affrays as defined in Regulation XLIX. 1793, and Regulation XXXII. 1803, shall, upon due proof of the offence, provided the affrays be unattended with homicide, severe wounding, or other aggravating circumstance, be punishable by the magistrate or joint magistrate of the district in which the affray may have occurred, without commitment to the Court of Circuit. Affrays punishable by the Magistrate under certain restrictions.

IV. In awarding punishment in such cases, the magistrate or joint magistrate shall not exceed the powers vested in him by Section XIX. Regulation IX. 1807; nor shall it in any case of affray be competent to a magistrate or joint magistrate to award corporal punishment; nor shall a magistrate refer any such case for examination and decision to his assistant, unless such assistant shall be invested with the special powers designated in Section II. Regulation III. 1821. Rules for awarding punishment in such cases.

Not referrible to assistants.

V. In all cases of affray attended with homicide, severe wounding, or other aggravating circumstance, the magistrate or joint magistrate shall, as heretofore, bring the offenders to trial before the Court of Circuit, committing them to prison, or enlarging them upon bail, as the circumstances of each case may appear to require. All cases of affray not punishable by Magistrate, to be disposed of as heretofore.

VI. All native subjects of the British Government, as specified in Regulation VIII. 1813, who may commit a crime or a misdemeanor in places out of the limits of the British provinces, shall, after the receipt of the sanction of the Governor General in Council, required by Regulation V. 1809, be tried and punished or acquitted Magistrates vested with power to proceed in all offences committed by Native subjects of Government out of the

limits of the British provinces, in the same manner as in similar offences committed within those limits.

acquitted by the magistrate or joint magistrate, or be committed for trial before the Court of Circuit, according to the nature and circumstances of the offence, in the same manner as if the offence had been committed within the limits of the British territories.

A. D. 1822. REGULATION II.

A REGULATION for modifying certain provisions in the existing Regulations relative to the Officers employed in the collection of the Government Customs and Town Duties :—Passed by the Governor General in Council on the 19th of March 1822, corresponding with the 7th Chyete 1228 Bengal era; the 12th Chyete 1229 Fusly; the 8th Chyete 1229 Willaity; the 11th Chyete 1878 Sumbut; and the 24th Jumadee-us-Sanee 1237 Higree.

Preamble.

WHEREAS it has appeared expedient to place the sea and land departments of the Calcutta customs under two distinct officers, to be denominated, the one, collector of sea customs, the other, collector of inland customs: And whereas it is expedient that the Governor General in Council should exercise the power of appointing, by an order in council, such officer or officers as he may deem fit to exercise the whole or any part of the duties and authority vested by the existing Regulations in collectors of customs and their deputies, the following rules have been enacted, to be in force from the date of their promulgation.

Parts of Regulations IX, and X, of 1810, and other Regulations, imposing restrictions on the appointment of Officers for the collection of Government Customs and Town duties, rescinded.

II. First.—So much of Section VI. Regulation IX. of 1810, Sections IV. and XXVI., Regulation X. of 1810, as prescribes the appointment of the officers therein mentioned, to exercise the duties vested by those Regulations in collectors of customs and town duties, together with all other provisions of the existing Regulations, which restrict or can be construed to restrict the Governor General in Council in the appointment of officers to the exercise and performance of the said powers and duties, are hereby rescinded.

Power reserved to the Governor General in Council to appoint any number of officers, being covenanted servants, to collect the duties of Government Customs and Town duties, and they to have the full power now exercised by Collectors or deputy Collectors.

Second.—It shall and may be competent to the Governor General in Council, by an order in Council, to appoint such and as many officers, being covenanted servants of the Honourable Company, as he may from time to time deem proper, to collect the duties of government customs and town duties, or such items thereof as the said Governor General in Council may deem proper, and the officers so appointed shall possess and exercise in regard to the duties, the collection of which may be intrusted to them, and to all persons and things chargeable with or liable to the said duties, as well as in respect to all forfeitures, defaults, suits, investigations and processes relating to such duties, or the collection thereof, or to the subordinate officers employed in the collection or custody of the said duties, or the articles chargeable therewith, all such powers and authorities as may or shall be legally exercised by collectors, or deputy collectors, under the Regulations which are now in force, or which may be hereafter enacted, subject to the same rules and provisions as may or shall apply to the collectors and deputy collectors aforesaid.

The Governor General in Council may vest any covenanted servant with part of the powers and authority now exercised by the Collectors of Customs and Town duties.

Third.—It shall likewise be competent to the Governor General in Council, by an order in Council, to vest any officer or officers, being covenanted servants of the Company, whether employed in collecting the customs and town duties or not, with such part of the powers and authority usually possessed and exercised by collectors of customs and town duties, as he may from time to time judge to be proper.

The Governor General in Council alone shall be competent to pass orders in regard to the disposal of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the Customs Regulations.

Fourth.—It shall also be competent to the Governor General in Council to pass such orders as may from time to time appear proper, in regard to the disposal of that part of the proceeds of goods confiscated, or of the fines or penalties incurred by a breach of the custom regulations, which under the provisions of the existing regulations is assigned to the collectors of customs, or other covenanted servants of the East India Company.

A. D. 1822. REGULATION III.

A REGULATION for modifying the constitution, and altering the jurisdiction of the several Boards vested with the superintendence of the Land Revenue, in the territories belonging to the Presidency of Fort William:—Passed by the Governor General in Council on the 19th March 1822, corresponding with the 7th Choite 1228 Bengal era, the 12th Choite 1229 Fussily; the 8th Choite 1229 Willaity; the 11th Choite 1878 Sumbut; and the 24th Jamudu Sany 1237 Higerce.

WHEREAS the superintendence of the Dehlee territory has recently been vested in the Board of Commissioners for the ceded and conquered provinces, and for this and other causes it has become necessary to relieve the said Board from the charge of a portion of the districts now under their control: And whereas it is also desirable to modify the constitution and alter the jurisdiction of the several Boards intrusted with the management of the land revenue, the following rules have been enacted, to be in force from the date of their promulgation.

II. First.—Sections XXVIII, XXIX, XXXIV, XXXV, XLIX, I, LI, LII, LIII, LIV, LV, LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXIV, LXV, LXVI, LXVII, LXVIII, LXIX, and LXX, Regulation II, 1793, Section XXVI, Regulation V, 1795, and Section XXVII, Regulation XXV, 1803, are hereby rescinded.

Provisions of Regulations rescinded.

Second.—Regulation I, 1816, Regulation I, 1817, and Sections II. and III, Regulation XXIV, 1817, are hereby rescinded.

Further provisions rescinded.

III. First.—The duties, powers, and authority at present exercised by the Board of Commissioners in Behar and Benares, within the districts of Bhangulpore and Purneah, shall from and after the 1st of May next be vested in the Board of Revenue, which shall continue to possess, exercise, and perform the duties, powers, and authority now belonging to them in the districts subordinate to their authority, and shall hereafter be denominated the Board of Revenue for the Lower Provinces.

Bhangulpore and Purneah transferred from the jurisdiction of the Board of Commissioners for Behar and Benares to the Board of Revenue, which is to be called the Board of Revenue for the Lower Provinces.

Second.—The duties, powers, and authority at present exercised by the Board of Commissioners in the ceded and conquered provinces within the southern and northern divisions of Bundelcund, and the districts of Allahabad and Cawnpore, shall from and after the said date be vested in the Board of Commissioners in Behar and Benares, which shall continue to possess, exercise, and perform the duties, powers, and authority now belonging to them in the districts at present subordinate to them, save as above provided, and shall be hereafter denominated the Board of Revenue for the Central Provinces.

The north and south divisions of Bundelcund, with Zillahs Allahabad & Cawnpore, transferred from the Board of Commissioners in the ceded and conquered provinces to the Board of Commissioners for Behar and Benares, which is to be called the Board of Revenue for the Central Provinces.

Third.—The several districts of the ceded and conquered provinces, with the exception of the districts above specified, shall continue as heretofore, subordinate to the Board of Commissioners, which Board shall hereafter be denominated the Board of Revenue for the Western Provinces.

of Commissioners, which Board is to be denominated "The Board of Revenue for the

The remaining districts of the ceded and conquered Provinces to continue as heretofore, subordinate to the Board of Commissioners for the Western Provinces."

IV. First.—The said Boards shall each of them consist of such number of members as the Governor General in Council may from time to time appoint.

Power reserved to the Governor General in Council in appointing Members to the Boards.

Second.—The said Boards shall ordinarily sit daily (Sundays and holidays excepted) for the transaction of public business.

Sittings of the Boards ordinarily to be daily.

Third.—In regard to the form of their proceedings, they shall be guided in all cases, not specifically provided for in the existing Regulations, by such orders as the Governor General in Council may from time to time issue, and it shall be competent to the Governor General in Council to fix the sudder stations of the several Boards at such places within the territories belonging to this Presidency, whether the operation of the general code of regulations may or may not extend to the same, as from time to time may be deemed expedient,—any thing in the existing regulations to the contrary notwithstanding.

Boards to be guided in regard to the form of their proceedings, in cases where no special Regulations exist, by the orders of Government.

Power reserved to the Governor General in Council in fixing the sudder stations of the Boards.

V. First.—

Governor General in Council declared competent to authorize when necessary a single Member of any Board to exercise all the duties vested in the Board collectively.

And to authorize the several Members separately to exercise at the same time such part of the duties as may appear requisite for the greater dispatch of business or other cause.

Provido—no single Member to reverse or alter a Collector's order.

Except authorized by Government, nor to reverse or alter a decree or order passed by any other Member.

No settlements whether temporary or perpetual to be binding, unless confirmed by the Governor General in Council.

Rule defining the course of proceeding in cases where a difference of opinion may arise.

A single member, when vested with separate authority, declared competent to proceed in the same mode as the Board collectively are authorized in regard to the appointment, removal, or punishment of Collector's native officers. Provido in cases where a difference of opinion may arise.

Two members necessary to appoint, remove, or punish officers of the Board, unless authorized by Government.

Single members, when vested with separate authority, declared competent to suspend any officer. But the order for such suspension, unless in special cases, to be reported to some other member of the Board, who if a majority agree, may set it aside.

Board when applied to may revise, rescind and alter their decisions, provided that such applications be made within three months, or sufficient cause shown for delay. Orders or decisions passed by a single member when vested with separate authority,

Provisions in cases when the members of the Board differ

V. First.—It shall be competent to the Governor General in Council, by an order in Council, to authorize a single member of any of the said Boards to exercise, either generally or locally, all the duties, powers and authority which are vested in the Board collectively, whenever circumstances may render such an arrangement desirable. It shall further be competent to the Governor General in Council similarly to authorize the several members of the said Board, separately to exercise at the same time, and within the same limits, such part of the said duties, powers and authority, as it may from time to time be judged proper to assign to each respectively, whenever for the greater dispatch of business, or other cause, it may appear advisable to divide the business of the Board, or to assign any special duty to any member separately: provided, however, that if a member exercising singly, as above, the duties, powers and authority of the Board, or any part thereof, shall in any case be of opinion that any decision or order of a collector ought to be reversed or altered, he shall not pass any final order on the case without the concurrence of one or more of the other members, unless otherwise specially directed and authorized by Government; provided further, that it shall not be competent to a single member of a Board to reverse or alter a decree or order passed by any other member; provided also, that no settlement of the land revenue, whether in perpetuity, or for a term of years, shall be or be held final and binding upon Government, unless the same shall have been formally confirmed by the Governor General in Council.

Second.—Whenever two members of a Board shall jointly or separately have considered any question, if a difference of opinion shall arise between them, the decision of the question shall be postponed, and the case shall be referred to a third member, permanent or provisional, in such mode as may from time to time be directed by Government, and shall be determined according to the majority of voices.

Third.—In regard to the appointment, removal, or punishment of the native officers of collectors of land revenue, or other functionaries subordinate to the Boards, a single member vested as above with authority separately to exercise the powers of the Board, or any part thereof, shall, within the limits of his authority, be competent to proceed in the same manner as the Board collectively are authorized to proceed: Provided that in any such case, if a member of the Board acting singly shall differ in opinion from a collector or other functionary immediately subordinate to them, he shall not, unless otherwise specially authorized by Government, pass any final order without the concurrence of one or more members of the Board.

Fourth.—No final orders regarding the appointment, removal, or punishment of officers belonging or immediately subordinate to the Board, shall (unless otherwise specially directed by the Governor General in Council) be issued without the concurrent judgment of two or more members.

Fifth.—Single members exercising separate authority as above shall be competent to suspend any officer under their authority, in like manner as the Board collectively may do; but all orders regarding the suspension of any such officer, passed by a single member, unless in confirmation of an order or recommendation of a collector, or other intermediate authority, or unless specially authorized by the Governor General in Council, shall be reported without loss of time to some other member, and shall be liable to be set aside by the decision of a majority of the Board.

Sixth.—The Boards are authorized to review, rescind, alter or confirm, any order and decision passed by them collectively, or by any members exercising, as above, separate authority, if an application to that effect be made to them by any party interested in the case, within the period of three months from the date on which the order or decision may have been passed, or good and sufficient cause shown for a further delay, and if from the documents exhibited, the case shall appear to merit further investigation. But no order or decision passed by a single member exercising separate authority shall be reversed, altered or staid, excepting on the concurrent judgment of two or more members.

Seventh.—To provide for cases wherein the members of the Board shall not agree in opinion, as to the decision or order to be passed in any case, and wherein the voices

voices on each side may be equal, it shall be competent to the Governor General in Council to appoint one or more temporary or provisional members, who shall, in regard to the investigation and determination of the questions so in dispute, have and exercise the same powers and authority as if they ordinarily belonged to the Board; and if a difference of opinion as aforesaid shall arise between two members of the Board holding joint sittings, at any place where a temporary or provisional member may be stationed, the other permanent member or members of the Board being absent, it shall and may be lawful for them, without reference to such absent member, to submit the question in dispute to the provisional member, and to issue orders in conformity with the opinion which he may support.

in opinion and the voices on each side are equal.

A. D. 1822. REGULATION IV.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases:—Passed by the Governor General in Council on the 29th March 1822, corresponding with the 17th Choite 1228 Bengal era, the 22d Choite 1229 Fussily; the 18th Choite 1229 Willaity; the 7th Choite 1879 Sumbut; and the 4th Rajeeb 1237 Higeree.

THE Regulations in force containing no provision for enabling the Judges of the Nizamut Adawlut to acquit a prisoner, notwithstanding his conviction by the futwa of their law officers, and certain distinctions of the Mahomedan law, evidently repugnant to the principles of equal justice, not having been hitherto rectified by any special enactment, the following rules are accordingly enacted, to provide for the cases referred to.

Preamble.

II. Whenever two or more Judges of the Nizamut Adawlut, on a deliberate consideration of any futwa of their law officers, convicting a prisoner, may consider such prisoner to have been convicted on insufficient or unsatisfactory evidence, it shall be competent to the said Judges to acquit the prisoner.

Power vested in two or more judges of the Nizamut Adawlut to pass sentence of acquittal, notwithstanding a futwa

of conviction by the law officers of that court

III. In all cases of murder, mutilation, or severe personal injury, in which the heir of the slain, or the person injured, may refuse to prosecute, the law officers of the Nizamut Adawlut shall be called on to declare what the futwa would have been in the event of their having prosecuted; and the Judge or Judges sitting on such trial shall pass sentence under the general Regulations, and on a consideration of all the circumstances of the case, the same as if the parties had come forward to prosecute.

How the judges are to proceed, in case when the heir of a slain or injured person may refuse to prosecute.

IV. The circumstance of supervening insanity, subsequent to the perpetration of a crime, at a time when no degree of derangement existed, and prior to the conviction of the prisoner for such crime, having been declared by the law officers, in a case of murder, to bar all capital or discretionary punishment, and to subject such person to Deyut only in all such cases, viz. of a prisoner being afflicted with insanity subsequent to the commission of any crime, and of his subsequent perfect recovery, the law officers of the Nizamut Adawlut shall be called on to declare, what the futwa would have been, if such derangement had not intervened, and the Judge or Judges sitting on the trial shall pass sentence under the general Regulations, and on consideration of all the circumstances of the case, the same as if no such malady had happened to the prisoner.

How the judges are to proceed, in case of a prisoner who, subsequent to the perpetration of a crime and prior to conviction, may exhibit symptoms of derangement.

V. It having been found, that, in certain cases of murder, the justificatory plea, that the person murdered was the mistress or relation of the prisoner, and detected in criminal intercourse with another man, or that the murdered man was found in criminal intercourse with the prisoner's mistress or relation, or, generally speaking, detected in fornication, has been upheld by the law officers in bar of capital or discretionary punishment, and has been declared to subject such prisoner to Deyut only, it is hereby enacted, that the law officers of the Nizamut Adawlut shall be called on to declare in such cases what the futwa would have been if such plea had not existed, and the Judge or Judges sitting on the trial shall pass sentence under the general Regulations, and on consideration of all the circumstances of the case, the same as if no such plea had existed.

Judges how to proceed in cases when circumstances occur which the law officers consider justificatory, and plead them in lieu of capital or discretionary punishment.

VI. In many cases of corporal injury, extending even to Mayhem, it has been found that the law officers, on the full conviction of the prisoners, declare them liable

Court of Circuit and Nizamut Adawlut how to proceed,

in cases when prisoners for certain offences are declared by the law officers liable to Hukoomuti Adul only

to Hukoomuti Adul only, or a just award, which is construed by them to mean, payment by the prisoner of the expences incurred for medicines and medical attendance by the party injured; and such reparation being considered wholly inadequate, it is hereby enacted, that the Judges of Circuit shall, under such futwa, be competent to pass sentence of imprisonment for any period not exceeding seven years, with power to refer the record to the Nizamut Adawlut, in any case in which they may deem that degree of punishment inadequate; and on the receipt thereof the Nizamut Adawlut, after requiring a further futwa from their law officers, shall pass sentence of imprisonment for such limited period of time, as under all the circumstances of the case may be equitable and just.

The provisions contained in Section IV, Regulation XVII, extended to cases in which a futwa of the law officers may declare the legal punishment barred by doubts of the prisoner's sanity when he committed the act charged.

Provido.

VII. It is hereby declared, that the rule contained in Section IV. Regulation XVII. 1817, empowered two or more Judges of the Nizamut Adawlut to convict and punish a prisoner charged with a criminal offence, in opposition to the acquittal of their law officers, shall be considered to extend to any case in which the futwa of the law officers of the Nizamut Adawlut may declare the legal penalty, or punishment generally, barred by reason of a doubt as to the prisoner's sanity when he committed the act charged; provided two or more Judges of the Nizamut Adawlut, on due consideration of the evidence in such case, shall be satisfied that there is no sufficient ground to believe that the prisoner was insane when he committed the act so charged, and that he is a proper object of punishment.

A. D. 1822. REGULATION V.

A REGULATION for amending certain provisions of Regulation IX. 1808. Passed by the Governor General in Council on the 13th June, 1822; corresponding with the 32d Jeyt 1229 Bengal era; the 9th Jeyt 1229 Fussily; the 1st Assar 1229 Willaity; the 9th Jeyt 1879 Sambut; and the 22d Ramzan 1237 Higeree.

Preamble.

THE rules of Regulation IX. of 1808, provide, with respect to any person proclaimed under the third Section on a charge of Dekoity, that if such person do not surrender himself, or appear before the local magistrate, within the period limited in the proclamation, he shall, on the fact of contumacy being established, be presumed guilty of the crime (dekoity,) with which he is charged, and in consequence be liable to a sentence of imprisonment and transportation for life.—The rules of the Regulation in question require expressly that the individual should be brought to trial on the charge of contumacy, and they further recite and declare, that he may be also brought to trial for any specific offence other than that for which he was proclaimed. It however has been found that in some instances in which the proclamation has been resorted to against persons charged with dekoity, such persons, by having been adjudged guilty of the contumacy, and sentenced to the extent authorized by Regulation IX. 1808, viz. transportation for life, have thereby escaped a capital sentence, which was apparently called for by reason of the dekoity they were presumed to have been concerned in having been attended with murder. It has accordingly been deemed advisable to declare that any person proclaimed for dekoity under the provisions of Regulation IX. 1808, may be brought to trial for the crime for which he was proclaimed, and not for the contumacy, if it shall appear advisable so to proceed against him.—The following Rules have been accordingly enacted, to be in force from the date of their promulgation.

Parts of Regulation IX. 1808, modified.

II. *First.*—Sections III. VI. VII. VIII. and X. of Regulation IX. 1808, are hereby modified as follows.

Proclaimed persons declared liable to be tried on the original charge, as well as for contumacy in not surrendering on proclamation.

Second.—It is hereby declared, that, in the case of any individual proclaimed under the provisions of Regulation IX. 1808, the fact of his being guilty of contumacy in not appearing within the period limited in the proclamation, shall not prevent his being brought to trial on the charge which led to the proclamation, and being proceeded against on such a charge according to the Mahomedan law and regulations, if it shall appear advisable that he be brought to trial on such charge, and not for his contumacy in not appearing to answer to it.

Option vested in the Superintendent of Police in such cases.

III. It shall rest with the Superintendent of Police, on communication from the Magistrate, to decide on which of the two charges, viz. the contumacy, or the original offence, a proclaimed person shall be brought to trial.

IV. If

IV. If a proclaimed person shall have been brought to trial for the contumacy, and acquitted on that charge, there shall, in the case of such acquittal, be no bar to his being brought to trial *de novo* for the offence on account of which he was proclaimed; but in the case of such person being brought to trial for the offence on account of which he was proclaimed, and acquitted on that charge, he shall not be liable to any trial *de novo* for the contumacy.

Proclaimed persons when tried for contumacy and acquitted, declared liable to be tried de novo on the original charge, but not vice versa.

A. D. 1822. REGULATION VI.

A REGULATION to establish a Court of Wards for Benares, and to define and explain certain of the Rules regarding the powers and jurisdiction of the several Courts of Wards.—Passed on the 1st of August 1822; corresponding with the 18th Sawun 1229 Bengal Era; the 28th Sawun 1229 Fussily; the 19th Sawun 1229 Willaity; the 14th Sawun 1879 Sumbut; and the 12th Zekaad 1237 Higeree.

THE rules for constituting and for fixing the jurisdiction of the Court of Wards contained in Regulation X. 1793, extended to the ceded and conquered provinces by Regulation LII. 1803, and Section XXIX. Regulation VIII. 1805, and to Cuttack by Section XXXVI. Regulation XII. 1805, have never been extended to the province of Benares, though such extension was obviously intended, and is distinctly alluded to in Clause the Seventh, Section VII. Regulation V. 1795. Moreover the original rules for the management of the estates of minors, and other disqualified persons over which the Court of Wards have jurisdiction, provide only for the appointment of a manager, from amongst the relations, connections or principal servants of the minor's family, to collect the rents and otherwise manage the estate under the general authority of the Court of Wards. This system of management was early abandoned in the case of the less valuable estates, where the expense incident to the system was found to consume the profits, and the Court of Wards were authorized in such cases to adopt, at their discretion, any mode of management they might judge fit. Subsequently the managers were declared to be merely ministerial officers of the collector, by whom they were directed to be chosen, under the instructions of the Board of Revenue, without any regard to their connection with the proprietors. The revenue authorities were thus virtually vested with full powers of managing ward estates as might appear best, and the Court of Wards finding the charges of inefficient management by the said officers to be generally inordinate, obtained the authority and instructions of Government to substitute the system of farming in all ordinary cases. This system, which was adopted and pursued with a view to the interests of the minors, has now prevailed for a period of eighteen years. Nevertheless, the terms in which the discretion of dispensing with a manager is vested in the Court by legislative enactment have led to doubts of the legality of the practice of farming, as applied to extensive or profitable estates; it has accordingly been deemed necessary to declare by a specific enactment the competency of the Court of Wards to exercise generally a discretion in regard to the management of estates under their charge, and further to declare the legality of farms heretofore made under their authority. It is moreover expedient to enable the Courts of Wards to refrain from interfering with the estates of minors or other disqualified proprietors, in cases wherein they deem their interposition unnecessary or inexpedient; the following rules have accordingly been enacted, to be in force as provided therein, from the date of their promulgation.

Preamble.

II. Regulation LII. 1803, with the addition contained in Section XXIX. Regulation VIII. 1805, is hereby extended to the province of Benares, and the Board of Revenue for the central provinces is constituted a Court of Wards for that province, under the above rules, as hereinafter modified and explained.

Regulation LII, 1803, and part of Regulation VIII, 1805, extended to Benares, and the Board of Revenue

for the central provinces constituted a Court of Wards for that province.

III. *First.*—The several Courts of Wards established within the territories subject to the presidency of Fort William, are hereby declared competent to farm estates falling under their jurisdiction for a term not exceeding ten years, or to adopt such other form of management, not involving an assignment of the minor's interests, for a period exceeding the above, as may in their discretion seem most expedient; any thing in the existing Regulations to the contrary notwithstanding.

The several Courts of Wards vested with a discretionary power to farm estates for ten years, or to adopt any other plan of management not involving a longer assignment.

Farms of lands heretofore made under orders from the Court of Wards declared legal and valid, and to be so considered by the several courts of justice.

It is hereby further declared and provided, that all farms heretofore made by or in pursuance of orders from the Courts of Wards, whether under the special authority of the Governor General in Council, or under the Court's own construction of its general powers, shall to all intents and purposes be held and considered to be legal and valid, and no exception shall be taken or allowed by any court of justice against such farms, on the ground of there having hitherto been no rule in any Regulation published according to the provisions of Regulation XLI. 1793, specifically authorizing the practice.

Farmers, &c. holding lands under the Court of Wards, declared subject to the same rules as are applicable to persons in

Second.—Farmers and others holding under the revenue authorities in their capacity of Courts of Wards, shall be subject to the same rules and regulations as are applicable to other persons holding similar tenures and interests under collectors of the land revenue.

Courts of Wards authorized to refrain from interfering with estates in cases when their interference may appear unnecessary. Provision, against the sale of a minor's estate for arrears. Revenue officers, may farm in such, and Court of Wards competent to assume charge at any time during minority.

possession of similar tenures under the collectors of Revenue.

IV. The several Courts of Wards are hereby vested with a discretion to refrain from interfering with the estates of minors, or other disqualified proprietors, in cases wherein they may deem their interposition unnecessary or inexpedient; provided, however, that no estate, the sole property of a minor, and descended to him by the regular course of inheritance, shall, during his minority, be sold for arrears of revenue accruing subsequently to his accession to the same: but the revenue authorities shall, on an arrear so accruing, be authorized to farm the estate for a period not exceeding ten years, and it will of course be competent to the Courts of Wards to assume charge of such estates at any time during the minority of the proprietor, notwithstanding they may have originally refrained from interfering.

A. D. 1822. REGULATION VII.

A REGULATION for declaring the Principles according to which the settlement of the Land Revenue in the ceded and conquered Provinces, including Cuttack, Puttaspoore and its dependencies, is to be hereafter made, and the powers and duties belonging to Collectors or other Officers employed in making, revising or superintending settlements; for continuing, with certain exceptions, the existing leases within the said Provinces for a further term of five years; for defining, settling and recording the rights and obligations of various classes and persons possessing an interest in the land, or in the rent or produce thereof: and for vesting the Revenue Authorities with judicial cognizance in certain cases of suits and claims relating to land, the rent and produce of land:—Passed by the Governor General in Council on the 8th August 1822, corresponding with the 25th Sawun 1229 Bengal Era; the 5th Sawun 1229 Fussily; the 26th Sawun 1229 Willaity; the 6th Sawun 1879 Sumbut; and the 19th Zekaad 1237 Higera.

Preamble.

WHEREAS the existing settlement of the land revenue in the ceded provinces will expire with the present Fuslee year, and it has therefore become necessary to declare and enact the principles and rules according to which the demand of the state is thereafter to be regulated, and the manner in which future settlements and revisions of settlements are to be conducted; and whereas a moderate assessment being equally conducive to the true interests of Government and to the well being of its subjects, it is the wish and intention of Government, that in revising the existing settlement, the efforts of the revenue officers should be chiefly directed, not to any general and extensive enhancement of the jumma, but to the objects of equalizing the public burthens, and of ascertaining, settling and recording the rights, interests, privileges and properties of all persons and classes owning, occupying, managing or cultivating the land, or gathering or disposing of its produce, or collecting or appropriating the rent or revenue payable on account of land, or the produce of land, or paying or receiving any cesses, contributions or perquisites to or from any persons resident in, or owning, occupying or holding parcel of any village or mehal; and whereas, with these views and intentions, the Governor General in Council has considered it to be expedient and proper, with the exception hereinafter specified, to continue the existing assessment in all cases in which the settlement has been formed with zemindars or other persons acknowledged as proprietors or possessors of a permanent interest in the mehal for which they

they may have engaged, until a new settlement can be made, combining, with the revision of the Government jumma, and the deliberate investigation of the facts, by the determination of which its amount must be regulated, a full inquiry into, and a careful settlement of, the rights and interests of all classes connected with the land : And whereas the same principles are applicable to the district of Cuttack, the pergunnah of Puttaspore and its dependencies, of which the settlement will expire with the present Umlee year : And whereas it has appeared expedient to make special provision for the early settlement of the district of Goruckpore, the Chucula of Azimgurh, the Pergunnah of Puttaspore and its dependencies : And whereas it is also advisable to provide for the revision of the settlement of the Conquered Provinces and of the province of Bundelcund, pending the continuance of the existing leases : And whereas it is the desire of Government that the proceedings held, and the records formed by the collectors, when making settlements, or otherwise specially employed in conducting inquiries of the above nature, should be such as that all demands, claims, and suits, may be adjudged and determined according to the facts therein stated, until the same shall have been formally altered, or it shall be shown by the result of a full investigation in a regular suit, that the proceeding or record of the collector was erroneous or incomplete : And whereas it is necessary to declare and define the powers and authority to be vested in collectors in the conduct of the said inquiries, and the adjustment of the differences arising out of or made known by them : And whereas it further appears advisable that the revenue officers should in certain cases be vested with authority judicially to receive, hear, investigate and determine suits, claims and demands of the above description : And whereas it appears to be expedient to declare and explain the views and intentions of Government relative to the rights to be enjoyed and exercised by the sudder malgoozars, or persons admitted to engage for the payment of the Government revenue, and by persons collecting the rents of the land or revenue of Government, without being subject to the payment of any portion of it to the public treasury, such as Jagheer-dars, and other owners or managers of lakheraj lands; and it is particularly necessary in the case of estates held in Putteclaree or Byachara tenure to make further provision for protecting the sharers who have not been admitted to engagements with Government against the encroachments of the sudder malgoozar, and likewise to secure the latter against the consequences of the embezzlement or misappropriation by the former, of the funds whence the Government revenue ought to be discharged;

For the purposes and objects above specified the following rules have been enacted, to be in force from the date of their promulgation, throughout the Ceded and Conquered Provinces, in the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies :

II. First.—The existing settlement of the land revenue in the Ceded Provinces, with the exception hereinafter specified, shall in all cases in which it may have been concluded with zemindars, or persons acknowledged as the proprietors or possessors of a permanent interest in the mehal for which they have engaged, continue in force until the expiration of the year 1234 Fuslee, subject to the following provisions :

The existing settlement in the ceded provinces to be extended in certain cases for a further period of five years.

Second.—In like manner, and subject to the same provisions, the existing settlement of the land revenue in the district of Cuttack shall, in all cases wherein it may have been concluded with persons of the above description, continue in force until the expiration of the year 1234 Umlee.

So also the settlement in Cuttack.

Third.—The Board of Commissioners in the Ceded and Conquered Provinces, and the Commissioner in Cuttack, having, under instructions from the Governor General in Council, caused proclamations to be issued in the several districts under their authority, declaring the resolution of Government to extend the existing leases as above, and requiring all zemindars and other persons aforesaid, who might be unwilling to continue their engagements for a further period of five years, to notify the same to the collector of the zillah, the said proclamations are hereby sanctioned and confirmed; and all zemindars, and other persons aforesaid, who shall not have made a notification to the effect and within the period thereby required, shall be held and are hereby declared to be responsible for the same revenue for each of the ensuing five years, viz. until the expiration of the year 1234 Fuslee, or 1234 Umlee, as the case may be, as may be demandable from them on account of the present year.

Proclamations issued by the Revenue Boards and Commissioners, notifying the proposed extension of the settlement, sanctioned and confirmed.

Zemindars failing to notify their intention to relinquish their lands under the said proclamations, shall be held responsible for the payment of the present jumma, during the ensuing five years.

Goruckpore and Azimgurh excluded from the operation of the foregoing clauses.

Zemindars of these districts to hold on from year to year, until a new settlement shall be made.

The existing leases in Puttaspoore and its dependencies, to be similarly continued from year to year.

General rule relative to zemindars holding on, after the expiration of their leases.

Collectors authorized, with the sanction of the Board, to require zemindars to state whether they are willing to continue their engagements.

Zemindars allowed to hold on, shall not be chargeable with additional revenue, excepting in certain cases.

Settlements how to be made for farmed estates.

For estates held khas.

For estates of recusant zemindars.

Cases in which zemindars may be excluded from, or deprived of the management of their estates.

The admission of particular parties to engage for the pay.

Fourth.—The districts of Goruckpore and Azimgurh are excluded from the operation of the rules contained in the preceding clauses of this Section: The zemindars and other persons aforesaid within the said districts shall be allowed to hold, from year to year, the mehals for which they may now be under engagements, subject to the payment of the jumma demandable on account of the present year, until the revenue officers shall be prepared to commence a careful revision of the settlement of their respective estates; and all engagements into which such zemindars and other persons may have entered, or shall enter, with the local revenue authorities for continuing their present leases as aforesaid, are hereby confirmed.

Fifth.—In like manner the zemindars, and other persons aforesaid within the Pergunnah of Puttaspoore and its dependencies, shall similarly be allowed to hold, from year to year, the mehals for which they may now be under engagements, until a proper settlement of the same can be made.

Sixth.—Provided also, that it be hereby declared and enacted as a general rule, that if any zemindar, or other malgoozar as aforesaid, who may now or hereafter be under engagement for the payment of the revenue demandable by Government on account of any mehal, shall be allowed by the revenue authorities to continue in the management of such mehal after the expiration of such engagement, and shall do or direct any act relative to the cultivation or management of such mehal, or the settlement, assessment or collection of the rents of such mehal, in or on account of any year subsequent to the term of such engagement, such zemindar or other malgoozar aforesaid, shall be held to be responsible on account of such year for the same revenue as may have been demandable from him for the year preceding, unless otherwise specially agreed upon: Provided further, that it shall be competent for collectors or other officers exercising the powers of collectors, with the sanction of the Board, or Commissioner to whom they may be subordinate, at any time, not being more than six months previous to the expiration of a settlement, to call upon the zemindars, or other malgoozars as aforesaid, to declare whether or not they are willing to continue their engagements for the ensuing year; and if such zemindars or other malgoozars shall not forthwith notify their refusal to do so, they shall be held to have agreed to such an extension of their leases at the existing assessment, and so on, from year to year, as aforesaid. Zemindars or other malgoozars who may be allowed to hold on from year to year, shall not be chargeable with any additional revenue on account of any year, unless the collector or other officer exercising the powers of collector shall notify his intention to revise the assessment on or before the commencement of such year, unless where otherwise specially provided.

III. With respect to estates which are at present let to farm, a settlement thereof shall be made on the expiration of the existing leases for such a period as the Governor General in Council may direct. A preference shall be given to the zemindars, or other persons possessing a permanent property in the mehals, if willing to engage for the payment of the public revenue on reasonable terms: provided also, that in cases wherein such mehals may be let in farm, the term of the lease granted to the farmers shall not exceed twelve years. The above rules shall likewise be applicable to estates now held khas. So in any case wherein the zemindars and other proprietors may refuse to continue their existing engagements, or to enter into new engagements on equitable terms, it shall be competent to the revenue authorities to let the lands in farm, for such period not exceeding twelve years, as the Governor General in Council shall appoint, or to assume the direct management of them, and to retain them under khas management during the period aforesaid, or such shorter period as may be judged proper: Provided further, that if in any case it shall appear to the revenue authorities, that the continuance or admission of any rajah, zemindar, talookdar, or other person who may have engaged, or may claim to engage, for any mehal or mehals in or to the management of such mehal or mehals, would endanger the public tranquillity, or otherwise be seriously detrimental, it shall be their duty to report the circumstance to Government, and it shall be competent to the Governor General in Council, by an order in Council, to cause such mehal or mehals to be held khas, or let in farm, for such term as may appear expedient and proper, not exceeding the period above specified.

IV. In admitting particular parties to engage, it was in no degree the intention of Government to compromise private rights or privileges, or to vest the sudder malgoozars

malgoozars with any rights not previously possessed by them, excepting in so far as their interest in the land for which they may have engaged, might be improved by the limitation of the Government demand, or otherwise by the resignation in their favour of rights previously vested in Government itself, or as it may have been found necessary, with a view to the punctual realization of the public dues, to vest the sudder malgoozar, by special regulation, with authority of distrust, or other powers of coercion over the under-tenants. On the contrary, it is the anxious desire of Government, and the bounden duty of its officers, to secure every one in the possession of the rights and privileges which he may lawfully possess, or be entitled to possess. In pursuance of this principle, it is hereby declared and enacted, that nothing in the above provisions for extending the existing leases, or in the stipulations of the existing settlements, do or shall be construed to bar the revenue officers duly empowered in that behalf, from interfering to adjust the respective rights of the sudder malgoozars and their under-tenants; nor shall any claims to a remission or abatement of revenue be admitted on the ground of any decision or order passed in that behalf, but if such decision or order shall operate materially to reduce the profits derived by any zemindar or malgoozar from the mehal owned or managed by him, it shall be competent for such zemindar or malgoozar to relinquish his engagements, and the revenue officers shall in such case proceed to make a settlement of the mehal de novo.

V. First.—The provisions contained in the existing Regulations, regarding the allowance to be made to zemindars and other malgoozars who may be excluded from the management of mehals owned or claimed by them, whether as malikana or nancar, are hereby rescinded.

Second.—The proprietors of estates let in farm or held khas shall be entitled to receive an allowance of malikana, at such rate as the Board of Commissioners, or other authority exercising the powers of that Board, may determine; any thing in the existing Regulations notwithstanding: the said malikana to be apportioned in cases in which several proprietors may have heretofore held an estate under one common assessment, whether in joint tenancy or otherwise, according to the shares of each respectively: Provided also, that the malikana allowance granted to the proprietor or proprietors of any mehal shall not in any case be less than five per cent. on the net amount realized by Government from the lands; nor shall it exceed ten per cent. on that amount without the special sanction of the Governor General in Council; provided further, that if the said proprietors shall in any case be in the receipt of any perquisite, or the profits of any lands in lieu of the nankar formerly granted to them by the Native governments, or otherwise, in consideration of their proprietary tenure, the amount of such allowance shall be deducted from the malikana to which they are by this Section declared to be entitled: provided also, that this rule shall not apply to such zemindars as may continue in the occupancy of their tenures, whilst the mehal in which they are included is held khas, or farmed, or of any part of them, that is to say, zemindars who may cultivate or lease their lands, and pay the revenue to the farmer or Government officer; nor without the special sanction of Government to any malgoozar, zemindar, or other proprietor or holder of land, who may directly or indirectly continue to draw any allowance from the ryots of the lands farmed or held khas: Provided also, that malgoozars not being actual proprietors of the land included in the estate for which they may have formerly been under engagements, though recorded in the accounts of past settlements as zemindars, talookdars, or the like, or being proprietors of a part only of such land, shall not receive the above allowance on the jumma of the estate, but shall receive such allowance in lieu of their title of management, as it may appear to Government to be equitable to assign, in addition to the malikana to which they may be entitled on account of any lands held by them in actual property, and of which they may not retain the occupancy: And no malikana shall be granted to any sudder malgoozar on account of lands, the occupants of which may deny his right of property, until he shall have established his right by a regular suit in a court of justice, or to the satisfaction of the Board. But in such cases, such provision will be made for the intermediate support of the party, as the Governor General in Council may, on the recommendation of the Board, see fit to direct.

Third.—Provided also, that if any zemindar or sudder malgoozar shall have been called upon by a collector, or other officer exercising the powers of a collector, to

ment of the public revenue, shall not bar the revenue officers from interfering to adjust the rights of other persons or classes.

But if the profits of any zemindar be materially reduced by an order or decision of such officer, he shall be at liberty to relinquish his engagements.

Existing provisions relative to malakana and nancar rescinded:

Malikana to be allowed to proprietors of estates farmed or held khas.

How to be apportioned among several proprietors.

Not to be less than five, nor without special sanction of Government, more than ten per cent. on the Government jumma.

Subject to what deduction.

No malikana allowance under this rule to be granted to zemindars, who may continue to occupy their lands under the farmer or Government officer.

Nor without special sanction to zemindars making collections from the ryots.

Provision for the case of malgoozars not proprietors, or only part proprietors of the mehals for which they may have been under engagements.

Zemindars may be called upon to state the jumma for which

they may be willing to engage, and their malikana allowance may be adjusted according to the amount tendered by them.

Or by the net revenue of the preceding year, if no tender be made.

Revenue officers may revise settlement of estates, of which the existing leases shall be extended under Section II, during the continuance of such extended lease.

Revision of settlement how to be made.

Revision of settlement shall not operate to alter the amount of the jumma payable on account of lands included in existing engagements.

But lands withheld from the knowledge of the Revenue officers at past settlements, may be separately assessed.

Revenue officers revising settlements to exercise the same authority in adjusting the relative rights of individuals, as they may exercise when assessing a mehal open to re-assessment.

Collectors in the conquered provinces to revise settlements during the continuance of the existing leases.

When revision of settlement completed, prolonged leases to be granted in the ceded provinces and in Cuttack, Puttapore and its dependencies for years subsequent to 1234.

Jumma for years subsequent to 1234, how to be adjusted.

state the highest amount of jumma, for the payment of which he may be willing to engage, and shall have stated the same accordingly, the sum so stated by such zemindar or sudder malgoozar, and not the jumma ultimately realized by Government, shall form the basis on which his malikana allowance shall be adjusted; and in such case it shall and may be lawful for the revenue authorities to limit the said allowance to five per cent. on the said sum, or to a portion thereof, according to the extent of the proprietary interest possessed by the said zemindar or sudder malgoozar. Provided also, that if a zemindar or sudder malgoozar when so called upon shall fail to specify or tender any sum as aforesaid, then and in that case the net revenue derived by Government from the mehal, on account of the year preceding that in which the collector or other officer aforesaid may make the same requisition, shall be taken as the sum by which the amount of malikana (not being less than five, nor more than ten per cent. on the same) shall be adjusted.

VI. First.—In cases wherein the existing engagements may be continued under the rule contained in Section II. of this regulation, it shall and may be lawful for the collectors, with the sanction of the Board of Commissioners, to enter at any time in the course thereof on a revision of the settlement, notwithstanding such continuance of the existing leases, and to adopt such measures as may be requisite for ascertaining and determining the extent and produce of the lands, and the amount of jumma properly demandable therefrom, and for procuring and recording the fullest possible information in regard to the rights, interests, privileges and properties of the agricultural community, and to determine the same, with the same powers and authority as they now are or may hereafter be entitled to exercise in forming the settlement of estates open to re-assessment.

Second.—The said revision of the settlement shall be made village by village, and mehal by mehal; and such number of mehals shall be revised in each year as the Board, under the orders of the Governor General in Council, may direct.

Third.—Such revision of the settlement shall not operate to disturb the existing engagements during the period for which they may be continued under the provisions of Section II. of this Regulation, in so far as such engagements relate to the amount of jumma demandable by Government; but the said engagements shall be held and considered to include only such villages and lands as may be specified in the proceedings or accounts of the settlement last concluded; and if on the revision of the settlement of any mehal it shall be found that there has been any material error, or concealment of lands belonging to such mehal, the collector shall be authorized, subject to the orders of the Board, separately to assess the lands so withheld from the knowledge of the revenue authorities, in the same manner and with the same powers as he would assess an unsettled mehal: Provided also, that nothing in this or the preceding Sections shall be construed to prevent the revenue officers from passing and enforcing such orders, in regard to the rights and interests to be enjoyed by the different classes or persons connected with any mehal, during the period for which the existing settlement has been extended, as they may or shall be authorized to pass or enforce, when adjusting the assessment of an unsettled mehal.

Fourth.—It shall in like manner be competent to the collectors in the conquered provinces, and in the province of Bundelcund, to enter on a revision of the settlement under the provisions contained in the preceding clauses of this Section, during the continuance of the existing leases.

VII. First.—When a collector in the Ceded Provinces, or in the Province of Cuttack, shall have completed the revision of the settlement of any mehals under the rules contained in the preceding Section, it shall and may be lawful for him, subject to the orders of the Board of Commissioners and of Government, to grant to the proprietors, if willing to engage on adequate terms, renewed leases for such further term of years subsequent to the year 1234 Fuslee or Umlee, as the Governor General in Council may direct.

Second.—The assessment to be demanded on account of the years subsequent to the year 1234 Fuslee, to which leases renewed as above may extend, shall be fixed with reference to the produce and capabilities of the land, as ascertained at the time when the revision of the settlement shall be made, unless under special circumstances justifying a prospective enhancement of the Government demand; provided also, that the amount of such assessment shall not be raised above that of the present jumma

jumma, unless it shall clearly appear, that the net profits to be derived from the land by the zemindars, and others who may be entitled to share in the profits arising out of the limitation of the Government demand, will exceed 1-5th of that amount; and in cases wherein any increase may be demanded, the assessment shall be so regulated as to leave the zemindars and others aforesaid a net profit of twenty per cent. on the amount of the jumma payable by or through them respectively, no abatement on the existing jumma will be allowed, unless on the clearest grounds of necessity.

Third.—The pottahs granted on such revised settlements shall be held only to secure the malgoozars from further demand during the term of their respective leases, on account of the lands specified in it, or described in the settlement roobakaree of the collector, with such allowance for error as may be distinctly declared at the time of settlement. Zemindars and other persons entering into engagements will be required therefore to afford the fullest and most correct information in regard to the rucba of the mehals for which they may engage.

Fourth.—In like manner it shall and may be lawful for collectors in the Conquered Provinces and in the Province of Bundelcund, to grant renewed leases for a further term of years subsequent to the expiration of the existing settlement, subject to the same rules, restrictions and provisions, as are enacted in the preceding clauses relative to the Ceded Provinces.

Fifth.—If any zemindar or other sudder malgoozar, the settlement of whose estate may be revised under the above rules, shall refuse to enter into suitable engagements for a further period beyond the term of the then current lease, or if after such revision the revenue authorities shall under any other circumstances deem it expedient to postpone taking further engagements for the payment of the revenue of any mehals until the expiration of the current leases, it shall be competent to them to do so; and in such case, the several rules contained in Section III. of this regulation, relative to estates of which the settlement will expire with the present year, shall on the expiration of the said leases be and be held applicable to such mehals.

Sixth.—The same rules shall also be applicable to the several mehals within the district of Goruckpore, the chuklah Azimgurh, the purgannah Puttaspoore and its dependencies, as they may respectively become, or be declared open for re-settlement.

VIII. Where the waste land belonging to or adjoining any mehal is very extensive, so as considerably to exceed the quantity required for pasturage, or otherwise usefully appropriated, it shall be competent to the revenue officers to grant leases for the same, to any persons who may be willing to undertake the cultivation, in perpetuity, or for such periods as the Governor General in Council shall determine; and to assign to the zemindars, or others who may establish a right of property in the lands so granted, an allowance equivalent to ten per cent. on the amount payable to Government by the lessees, in lieu and bar of all claims to or in the waste lands so granted, or such other perquisites or privileges as by the custom of the country they may appear in such cases entitled to receive.

IX. *First.*—It shall be the duty of collectors, and other officers exercising the powers of collectors, on the occasion of making or revising settlements of the land revenue, to unite, with the adjustment of the assessment, and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests and privileges of the various classes of the agricultural community. For this purpose, their proceedings shall embrace the formation of as accurate a record as possible of all local usages connected with landed tenures, as full as practicable a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land, or the rents of it, care being taken to distinguish the different modes of possession and property, and the real nature and extent of the interests held, more especially where several persons may hold interests in the same subject matter of different kinds or degrees. This record shall, in Putteedaree or Byhachara villages, or the like, include an accurate register of all the coparceners, not merely the heads of divisions, such as the Puttees, Thokes or Bahrees, but also as far as possible of every person who occupies lands, disposes of its produce, or receives rent as proprietor, or as agent for one or more proprietors holding land and disposing of its produce, or receiving the

Pottahs granted on revised settlement only to cover lands specified.

In conquered provinces likewise, renewed leases to be granted pending the present settlement for a term of years subsequent to its expiration.

Cases wherein the final settlement of estates shall after revision, be postponed until the expiration of the current leases.

Rules applicable to such cases.

The same rules applicable to estates in Goruckpore, Azimgurh, Puttaspoore, &c. as they may become open to re-settlement.

Waste lands may be disposed of by Government, under what conditions.

Detailed investigations to be prosecuted by collectors and other officers making or revising settlements.

Proceedings to embrace what particulars.

rents of it in common, with a detailed statement of the interior arrangements adopted by the brotherhood, for the distribution of the profits derived from sources common to the coparcency where any such exist, and for determining the share of the Government jumma, and of the village expenses which each parcener is to contribute, or the other modes in which the engaging parcener or intermediate Putteedars and Behreedars collect from the cultivators. A record shall likewise be formed of the rates per beegah of each description of land or kind of produce demandable from the resident cultivators not claiming any transferable property in the soil, whether possessing the right of hereditary occupancy or not, and the respective shares of the sudder malgoozar, or other manager, and the cultivator, in lands cultivated under kunkoot, bataic, or similar engagements, with a distinct specification of all cesses or extra collections made by the malgoozar, or village manager, or other. The names of all the village putwarees and village watchmen shall also be registered, with a statement of the amount and nature of the allowances assigned them. And all lakheraj tenures shall be carefully recorded with a specification of the nature of the tenure. The information collected on the above points shall be so arranged and recorded as to admit of an immediate reference hereafter by the courts of judicature; it being understood and declared that all decisions on the demands of the zemindars shall hereafter be regulated by the rates of rent, and modes of payment avowed and ascertained at the settlement, and recorded in the collector's proceedings, until distinctly altered by mutual agreement, or after full investigation in a regular suit: And all cesses or collections not avowed and sanctioned, nor taken into account in fixing the Government jumma, shall be held illegal, and unauthorized, unless now or hereafter specially sanctioned by Government.

How far to be binding on the courts of Judicature.

What cesses or collections to be held illegal.

Collectors and other officers making settlement may grant pottahs to mofussil Zemindars and Ryots.

Second.—Provided also, that it shall be competent to collectors and other officers as aforesaid (subject to the orders of the Board of Commissioners) to grant pottahs to the several mofussil zemindars and ryots, or other owners or occupants of land, for the land owned or occupied by them, specifying the amount to be paid by them, and all the conditions attaching to their tenure, and a register of all pottahs so granted shall form a part of the roobakaree of settlement.

In what case engagements for the revenue may be taken as heretofore, without a detailed mofussil settlement.

Third.—Provided, however, that if from the number of estates, of which the leases may at once expire in any district, or from any other special cause, it shall be found necessary for the security of the Government revenue, to take engagements from any zemindar, malgoozar, or farmer, without completing the detailed inquiries above directed, it shall be competent to the Boards of Revenue, or other authority exercising the powers of such a Board, to cause engagements for the revenue to be taken in the manner heretofore in use, reporting the circumstance to the Governor General in Council; but the term of the engagements so taken shall not exceed five years, and the rules relative to the revision of the settlements of mehals, of which the existing leases have been extended under the provisions of Section II. of this Regulation, shall be equally applicable to estates for which such engagements shall be taken.

Such engagements not to be granted for a term exceeding five years, nor to bar an intermediate revision.

In cases where several persons holding interests of different kinds may have separate properties in the same land, Government may determine which of such parties shall be admitted to engage for the public revenue.

X. First.—Of several parties possessing separate heritable and transferable properties in any parcel of land, or in the produce or rent thereof, such properties consisting of interests of different kinds, it shall be competent to the Governor General in Council to determine and direct which of such parties shall be admitted to engage for the payment of the Government revenue; due provision being made for securing the rights of the remaining parties. It is further hereby declared and enacted, that it is and shall be competent to the Governor General in Council, in confirming the settlement of any mehal in perpetuity, or for a term of years, to determine and prescribe the manner and proportion in which the net rent or profit arising out of the limitation of the Government demand shall be distributed among the different parties possessing an interest in the lands appertaining to such mehal, or in the rent or produce of such lands or mehal.

Provision to be made for the remaining parties.

Government will also determine the manner and proportion in which the net rent or profit arising out of the limitation of the public demand shall be distributed among the different parties possessing properties in lands settled in perpetuity, or for a term of years.

Mofussil settlements to be made in cases wherein the title of an intermediate manager between Government and the proprietors or hereditary occupants of the soil may be maintained.

Second.—In cases wherein any land appertaining to a mehal hitherto recognized as the talooka, zemindaree, or the like of one or more sudder malgoozars, may be owned or occupied by other persons holding under the sudder malgoozar, and possessing an heritable and transferable property therein; or an hereditary right of occupancy subject to the payment of a fixed rent, or of a rent determinable by a fixed principle, if the title of the said sudder malgoozar to engage for the revenue be upheld, and generally in cases wherein the tenure of an intermediate malgoozar or manager

manager between the Government and the proprietors or hereditary occupants of the soil may be maintained, whether the Government revenue be collected from the zemindar, talookdar, or other hereditary intermediate malgoozar, or the mehal be farmed or held khas, it shall be competent to the collector, or other officer who may be employed in adjusting the jumma to be assessed on such mehal, with the sanction of the Board previously obtained, and subject to the orders and direction of that authority, to make a mofussil settlement with each of the proprietors or occupants aforesaid for the land possessed by him, and to grant such proprietors or occupants pottahs, defining the condition on which they are to hold their land, whether subordinate to the sudder malgoozar, or to the farmer or officer of Government employed in the khas management; and in all such cases, if engagements for the Government revenue of the mehal be taken from the intermediate hereditary malgoozar, the particulars of the mofussil settlement, when approved by the Board, shall be indorsed on the pottah to be granted to the sudder malgoozar, or shall be so incorporated with the engagement taken from him as to form part of the same.

Third.—In cases in which two or more persons may possess a joint property in any village, mehal, or parcel of land, or in the rent or produce of any village, mehal or land, or in any part of such village, mehal, land, rent or produce, the property of such persons consisting of interests of the same kind, whether of the same extent or otherwise, as well as in cases wherein such property in any mehal, village, land, produce or rent, may be separately possessed by parties subject by prescriptive usage to common obligations, whether existing or contingent, it shall be competent to the collector, or other officer exercising the powers of collector, subject to the orders and direction of the Board and of the Governor General in Council, either to make a joint settlement with the parties collectively, or a majority of them, or with an agent appointed by them, or a majority of them, or to select one or more of them to undertake the management of the mehal as sudder malgoozars, due advertence being had to the wishes of all the coparceners, and to the past custom of the village or villages comprised in the mehal

Where several persons may hold a common property or properties subject to a common obligation.

The Revenue Officers may make a joint settlement with or in behalf of the parties collectively, or of a majority of them.

Or may select one or more to manage the mehal as sudder malgoozars.

Fourth.—When it shall be determined to make a joint settlement for any village, mehal, or parcel of land, with the parties possessing therein a joint property as aforesaid, the collector or other officer making the settlement shall give notice of his intention, by a written proclamation to be stuck up in some public place within the village, mehal or land, and shall require all persons possessing therein a property as aforesaid to attend, either in person, or by representative duly authorized in the matter, within a reasonable period, at a stated place and time, and to declare their agreement or non-agreement to the jumma proposed to be assessed on the village or land.

When a joint settlement is to be made, parties how to be summoned.

Fifth.—If any person or persons, when summoned as above, shall refuse, neglect or omit to attend, either in person or by representative, such person or persons shall be held to be bound by the decision of the majority of those who may attend in agreeing or disagreeing to the jumma, and his or their interests and estate shall, unless otherwise specially allowed, be held responsible for the Government revenue, and be liable to sale in the event of any arrear accruing on account of the settlement.

Persons wilfully failing to attend when summoned, to be bound by decision of the majority who may attend, and to be responsible for the revenue agreed to. Unless otherwise specially provided.

Sixth.—If any person or persons shall attend, and shall object to the jumma proposed to be assessed, then, should a settlement be made with the other parties present, the objecting parties shall be left in the enjoyment of the same rights and interests as they would enjoy in the event of the mehal being farmed or held khas; and in so far as regards the lands to which such rights and interests attach, the other parceners, if their engagements be extended thereto, shall be considered farmers of the Government revenue, to hold the same under leases of such term as may be determined and agreed upon under the general rules applicable to lands for which the proprietors may refuse to engage.

In cases in which any of the parceners object to the jumma assessed, the engaging parceners shall be deemed to be farmers of the revenue of the lands belonging to the recusants, if their engagements extend to such lands.

Seventh.—When any mehal or portion of a mehal held by a number of cultivating proprietors in Putteedaree or Bhyachara tenure, or the like, shall be let in farm or held khas, the rent demandable from the proprietors of such mehal or portion of mehal, on account of the land occupied and cultivated by themselves, shall be adjusted by the rates payable by ryots, or other resident cultivators not having an heritable and transferable property in the soil, for lands of a similar description in the same or in the adjoining villages, with a deduction of five per cent. on account of malikana, or such other rate, not being less than five per cent. as Government may determine.

Proprietors cultivating lands of which the revenue may be collected khas or farmed, at what rates to pay rent.

When the settlement of a mehal held in common tenancy, or subject to common obligation, shall be made with one or more of the parceners selected as manager or sudder malgoozar, on what terms the other parceners are to hold.

Nature and conditions of the sudder malgoozar's tenures to be declared.

Lands separately owned and occupied, though hitherto held as one mehal, may be separately settled.

Joint properties, or properties subject to a joint obligation: in what cases to be divided.

Proprietors though excluded from engagements may have their names registered.

Collectors forming such registry to proceed on the basis of actual possession.

Eighth.—When it shall be determined to make a settlement of a mehal of the above description with one or more of the parceners selected to manage, collect, and account for the public revenue as sudder malgoozar, then and in that case the interests of the non-engaging parceners shall not be held answerable for the default of the sudder malgoozars, save and except in so far as may be specifically provided. Such parceners shall, until regularly separated, continue to hold their lands as subordinate proprietors, subject to the payment of rent or revenue to the sudder malgoozar at the rates and in the mode heretofore in use, excepting in so far as that usage may be affected by the determination of Government in regard to the distribution of the net rent or profit derived from the limitation of the Government demand, or by the rules now in force, or hereafter to be enacted, for vesting the sudder malgoozars with specific powers over the subordinate tenants in the collection of the rent or revenue demandable from them. The responsibility attaching to the persons selected as sudder malgoozars, and the conditions under which they are to hold that title of management, will in each case be specifically declared at or after the time when the settlement is confirmed. The conditions and limitations under which the subordinate proprietors shall be admitted to separate engagements will also be similarly declared.

Ninth.—Provided further, that in all cases wherein different parcels of land belonging to any mehal may be separately owned and occupied by different proprietors, or by different bodies of proprietors, it shall be competent to the Boards of Revenue, or other authority exercising the powers of that Board, to cause a separate settlement to be made for the land owned and occupied by each proprietor, or by each body of proprietors, and each parcel of land for which a separate settlement may be so made, shall be held exclusively responsible for the revenue assessed upon it. Provided also, that if the several parties possessing a joint property, or separate properties subject to a common obligation as aforesaid, or any of them, shall apply to a collector, or other officer making or revising a settlement, to have separate possession of their several share or shares in such joint property, or to be admitted to separate engagements, it shall be competent to such collector or other officer, with the sanction of the Board, or other authority to which he may be subordinate, to make a partition of the property among the different parties according to their respective interests, and to make a separate settlement with each of them, or with such as may desire to enter into separate engagements.

Tenth.—In all cases wherein any proprietors may be excluded from engagements, the collector shall be careful to let it be known that all persons possessing a property in the mehal are entitled to have their names recorded in the roobukaree of settlement, with the amount or rate of the assessment demandable from each.

XI. First.—The collector's proceedings in forming the registry above directed, shall be founded on the basis of actual possession, and that officer shall, in every instance, be careful to record the precise nature of the authority on which the entries in his books may be made. In conformity with the above principle, it shall be competent to the collectors or other officers when making or revising settlements, or otherwise deputed, to investigate and determine the circumstances of any mehal, and the nature of the tenures connected with it; to correct the errors or omissions of former settlements by admitting to engagements, or entering on the public records, the names of the persons found in the bonâ fide possession of land, or in the receipt of rent under a proprietary title; and in such cases the collector will hold an official proceeding, explaining fully the grounds on which he may act.

In estates held under Putteedaree, Bhyachara, or the like tenure, collectors may in certain cases, make a fresh allotment of the revenue and charges payable by the several parceners.

XII. First.—In cases in which the proportion of the Government jumma and village expenses payable by each proprietor, and by each body of proprietors comprised in the several Puttees, Behrees, and other divisions of an estate held under Putteedaree or Bhyachara tenure, or the like, may have been originally fixed on a measurement of the lands occupied by each, with reference to the quantity in cultivation, and may be liable by the usage of the country to periodical adjustment on the same principle, if the collector or other officer making or revising the settlement shall be satisfied by examination of the putwaries accounts or otherwise, that the contributions paid by any proprietor or body of proprietors as aforesaid are materially in excess of the amount justly demandable from them, it shall be competent to him, with the previous sanction of the Board, to cause a new distribution to be made of the revenue and charges payable by each, with reference to the above principle, and

to such resolutions as Government may have passed relative to the apportionment of the net rent or profits arising out of the limitation of the Government demand, and in the performance of this duty to employ the canoongoe, and such person or persons as he may judge it advisable to appoint, and to settle the jumma payable by the different parties according to the award of such person or persons, or otherwise as shall appear to be just and equitable.

Second.—In like manner, in cases in which the several proprietors shall be entitled not only to an adjustment from time to time of the jumma payable on account of the lands occupied by them, but likewise to a periodical partition of the lands of the village, with reference to the share recorded as belonging to each, it shall be competent to the collector to cause a fresh partition of the lands, and adjustment of the jumma, to be made as above prescribed, and at the same time to fix and declare the period from which the arrangement as finally settled is to have effect, and to adjust the claims of the parties relative to the revenue intermediately paid by them, as may appear equitable; provided however, that no such partition or adjustment shall be final until confirmed by the Board of Commissioners, or other authority exercising the powers of that Board; provided also, that if any parties shall dispute the existence of the usage under which the partition of the lands shall have been made, and shall claim to be restored to possession of the lands which the collector may have transferred to another, or shall consider himself entitled to the benefit of a new partition, of the lands comprised in the mehal to which he may belong, in any case in which the collector may have refused to order it, it shall be competent to the said party to bring a regular suit in the Zillah Court against the person or persons to whom the lands may have been transferred, or the person or persons who may resist the partition, to try the justness of the collector's decision; but if the existence of the usage shall be admitted or established, it shall not be competent to the courts of judicature to question the accuracy of the partition of the land, or adjustment of the jumma; and whenever the decision of a collector for the partition of any land shall be set aside, it will of course belong to the revenue authorities to re-adjust the jumma with reference to the interests of the parties, as defined and settled by the final decision of the courts of judicature, and to the conditions of the tenure, and to any general or special resolution of Government relative to the distribution of the net rent or profit arising out of the limitation of the public assessment.

And in certain cases may make a fresh partition of the land.

Cases wherein parties affected by collector's decision may contest it in the Adawlut.

On what points decision of revenue officers to be conclusive.

XIII. Collectors, and others officers exercising the powers of collectors, shall not, unless where specially authorized in the manner prescribed in this or some other Regulation, do any act tending to disturb possession, but shall leave the Adawlut to investigate in a regular suit all claims of persons not in possession, but deeming themselves entitled to be so.

Collectors shall not disturb possession unless specially authorized.

XIV. *First.* Collectors making or revising settlements shall, in cases in which any dispute may exist in regard to the nature of the tenure of any person occupying the soil, be competent to declare in an official proceeding, to be incorporated in the roobukaree of settlement, the nature and extent of the interests actually possessed by such occupant, referring to the denomination heretofore applied to him only as one means of proof in regard to the nature of the interest, but stating at length, with specification of any examination he may take for his satisfaction, the grounds of his determination; so also in cases of dispute regarding the extent of the interest belonging to any sharer in a village or villages held under Putteedaree, Bhyachara, or the like tenure, such sharer having actual possession of a portion of such village or villages, or being in the actual receipt as proprietor of a share of the joint profits of the land, it shall be competent to the collector to decide the point in the first instance in his roobukaree of settlement, and to enforce his decision, leaving the party who may deem himself aggrieved to seek redress by a regular suit in the courts, to try the right; but nothing herein contained shall be construed to authorize the courts to interfere with the decision of the collector in regard to the amount or proportion of jumma to be assessed on any parcel of land, or in respect to the quantity and description of land to be assigned in partition to the holder of any specific share of a joint estate.

Collectors making or revising settlements may declare nature and extent of interests possessed by persons occupying land.

Where lands held in Putteedaree, Bhyachara, or the like tenure, collectors may decide disputes as to the extent of interest belonging to any sharer, and may enforce his decision.

Subject to an appeal to the Adawlut.

Second.—The above rule shall not be construed to empower collectors, unless otherwise authorized, to take cognizance of any claim, to receive a larger portion

Collectors shall not under the above rule take cognizance of

claims to larger profits, or more land than claimant may have hitherto enjoyed or held.

Decision of revenue officers to be maintained by courts unless proved to be wrong in a regular suit.

Courts not to interfere with apportionment of jumma, or allotment of land made by collectors, excepting where the principle of collector's decision may be at variance with decree.

In what cases collectors to take cognizance of complaints of wrongful dispossession.

Subject to an appeal to the Adawlut.

The above provisions, to what cases to apply.

To what cases the rule shall not apply.

In settling resumed lakhiraj lands, collectors may take cognizance of claims to the property therein.

And may give possession to parties appearing to have the best title.

Subject to an appeal to the Adawlut by a regular suit.

The above rule not to extend to lands held under grants made by, or at the request of proprietors.

of the common profits than the claimant has hitherto enjoyed, or to hold a larger portion of the village or villages than he has hitherto occupied.

Third.—The decisions passed by the collectors under the above powers, if not altered or annulled by the Board or by Government, shall be maintained by the courts, unless on investigation in a regular suit it shall appear that the possession held under such a decision is wrongful; and nothing herein contained shall be understood to authorize any court to interfere with the decision of the revenue authorities relative to the jumma to be assessed on any mehal, or portion of a mehal, or to the extent and description of lands belonging to any mehal that may be assigned on the partition of the same to the several parceners concerned.

Fourth.—If any person shall complain to a collector, or other officer making or revising the settlement of any mehal, that he has been wrongfully dispossessed from any lands, premises, crops, orchards, pasture grounds, fisheries, wells, watercourses, tanks, reservoirs, or the like, within such mehal, or of the rents, produce or profits of such lands, premises, &c. the like as aforesaid, or that he has been wrongfully disturbed in the possession thereof, it shall be competent to the collector, or other officer aforesaid, to inquire into the matter, and if the party so complaining shall appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe that he has been violently or wrongfully dispossessed or disturbed, it shall be competent to the collector to restore or confirm him, recording the grounds of his determination in a roobukaree; and the opposite party shall in such case be left to bring a regular suit in court to try the question of right. In like manner should a collector, or other officer as aforesaid, find that there exist in any mehal, of which he may be making or revising the settlement, any disputes relative to the possession of lands, premises, or the like, which it may be expedient to adjust, it shall be competent to the collector or other officer aforesaid to pass a decision determining the point of possession, leaving the question of right, if further disputed, to be settled by the result of a regular suit in the Adawlut.

Fifth.—The above provisions shall be held to apply to all cases in which a zemindar or undertenant, whether farmer or ryot, having by special deed or prescriptive title, a right of occupancy, shall have been wrongfully ousted from the occupancy of lands held and cultivated by him in the preceding year, or in which the rents and profits of any land which were received by such dispossessed party in the preceding year, shall be withheld from him, without a legal award, or a voluntary act of the party involving the transfer, renunciation or relinquishment of such rents and profits. But the above rule shall not apply to any case in which the complaining party may have executed any deed, purporting to be a relinquishment of possession, unless it shall have been established by some judicial proceeding that such deed was extorted by force and terror, nor to any cases wherein the complainant shall have in any way lost or relinquished possession previously to the commencement of the year preceding that in which the complaint may be preferred.

XV. In the settlement of any resumed mehal held or pretended to be held under Sunnuds from the ruling power, or from the Amils, or other officers of the Government, whether such lands shall have been heretofore subject to the payment of revenue or otherwise, it shall be competent to the collector or other officer making the settlement to hear try and determine, all claims to the property and possession of the land comprising such mehal, or the rents or produce thereof, anything in the existing Regulations notwithstanding, and subject to the orders and direction of the Board of Revenue, or other authority exercising the powers of that Board, to give possession to, and conclude a settlement with, the party who may appear to have the best title, leaving other claimants to establish their claims by a regular suit in the Zillah or Provincial Court, by which, according to the value of the interest at stake, all decisions passed by the revenue authorities under this Section, may, on such suit being fully heard, sued and determined, and not otherwise, be revised, annulled or altered. The above rule shall not extend to lands held free of assessment under grants made by, or at the request of the proprietors themselves, or their representatives, the settlement of which shall ordinarily be made with the parties in possession, if willing to engage on adequate terms.

XVI.—It

XVI. It shall be competent to the Governor General in Council to grant to a collector making or revising the settlement of any mehal, whether the same may have been held by a lakhiraj tenure resumed, or being malgoozaree, may have become open to resettlement in ordinary course, special authority to hear, try, and determine as above, all claims to the property and possession of the lands lying within such mehal, or the rent or produce thereof, and to give possession to the party who may appear to have the best title, subject to the orders and direction of the Board, and further subject, as above, to the revision of the Zillah or Provincial Court on a regular suit; provided also, that whenever special authority may be given to any collector as aforesaid, notice of the order of Government shall be published by a proclamation within the mehals, to which the authority so given may extend; and it shall be the duty of the collectors and the Boards to see that such proclamation is duly made. But no decision passed by a collector under this or any other Section whereby such notification is required, shall be disturbed by any court of judicature, otherwise than after a full and regular investigation of merits on the plea that proclamation was not made.

Governor General in Council may grant to collectors making or revising settlements, special authority to take cognizance of claims to the property and possession of land.

XVII. It shall be competent to collectors and other officers engaged in making or revising the settlement of any purgunnah, mowzah, or other local division, on the application of persons claiming a right of property in lands held free of assessment, or at a mocrurree jumma, under unquestioned grants from the ruling power, or from the Amils, or other officers of government, and situate within or adjoining to such purgunnah, mowzah, or other local division, to receive, try, and determine the claim; and if satisfied that the applicants do possess, or are entitled to possess, a hereditary and transferable property in the land, or the produce or rent thereof, the collector or other officer, with the sanction of Government previously obtained, shall be authorized to conclude a settlement with them on behalf of the lakhirajdar or mocrurreedar, for such period as the Governor General in Council may direct, and shall grant to each of the said proprietors pottahs, defining the conditions on which they are to hold their lands, subordinate to the lakhirajdar or mocrurreedar.—It shall further be competent to the collector, under the orders of the Board of Commissioners, to fix and declare the amount of malikana, or other proprietary allowance to be paid by such lakhirajdars or mocrurreedars to the said proprietors, in the event of their being divested of the occupancy and management of their lands: Provided however, that either party who may be dissatisfied with the decision of the collector as to the question of the right of property, shall be at liberty to contest the same in a regular suit in the Adawlut; but the courts shall not interfere to alter the terms on which the settlement may have been made by the collector with proprietors, or the amount of malikana granted to such persons.

Collectors making or revising settlements in what cases to take cognizance of claims to property in lands held lakhiraj, or at a mocrurree jumma, under valid tenures, and to make a settlement with the proprietors on behalf of the lakhirajdar, or mocrurreedar.

Provido that an appeal to the Adawlut shall lie on the question of right of property.

XVIII. The collector shall in cases of doubt be the judge of the question of jurisdiction, subject to the orders of the Board and of Government, and the courts of judicature shall not disturb possession given by the collector, except on a regular suit, and on a decision as to the right.

Collectors to be the judges to the question of jurisdiction.

XIX. *First.*—It shall be competent to collectors when prosecuting the above inquiries, or hearing and trying the above suits or otherwise, when authorized in that behalf by the Board to which they may be subordinate, to require all sudder malgoozars, and other persons owning, occupying, managing or cultivating any lands within or in the vicinity of the mehal to which their inquiries may extend, or gathering or disposing of the produce thereof, or collecting enjoying or appropriating any rent or revenue derived therefrom, as well as the gomashitahs, or other agents employed by such persons in the management or cultivation of the land, or in the collection of the rent, produce, or revenue thereof, to attend and produce all accounts or other papers which they may respectively possess relative to such lands, produce, rent or revenue, and to examine the said persons on oath, or hulufnamah, to the truth of the accounts produced, or on any other matter relating to such accounts, or regarding the lands, produce, rent or revenue of the mehal, or the rights and interests attaching to such lands, produce, rent or revenue; provided however, that no person shall be compelled to answer on oath or solemn declaration, any interrogation regarding matters wherein he may have an immediate personal interest in concealing the truth, or in uttering what is false, not being an interest arising out of fear, favor or reward, or any corrupt bargain or agreement with another party.

Collectors authorized to summon witnesses and require production of accounts.

To examine on oath, or Hulufnamah.

Provido that persons shall not be examined on oath on questions immediately touching their own interests.

Second.—The rules contained in Section XI, Regulation II, 1819, relative to the mode of serving process on persons who may be required to attend and produce accounts

Rules of Regulation II, 1819, applicable to processes issued by

collectors under this Regulation.

Also to putwarries and others summoned or examined in cases cognizable under this Regulation.

And to all other persons upon whom process may be issued.

Powers specified in Sections XI. XII. XIV. XVI. XVII. XVIII. and XIX. to be ordinarily vested in collectors making or revising settlements.

But Governor General in Council may restrict powers to be exercised on any particular occasion. Like powers may be specially vested in collectors, though not engaged in making or revising settlements.

Collectors may be similarly vested with special powers to try all suits regarding rent.

Or exaction of rent. The adjustment of accounts between landlord and tenant their sureties and agents,

and touching all matters connected with land, the rents or produce of land, the delivery of pottahs, the violation of engagements and generally all disputes between Sudder Malgoozars, and farmers and their tenants.

Appointment of collector to exercise the above duties how to be notified.

accounts under the provisions of that Regulation, shall be and be held applicable to processes issued by collectors or other officers under the rules contained in this Regulation. In like manner the provisions of Section XII. of the said Regulation shall be applicable to all putwarries, gomastahs, or other persons, by whom the accounts of any lands, regarding which the said inquiries may have been instituted, may be kept, and who after being duly summoned as aforesaid may neglect or omit to produce any of the accounts required from them, or to give their evidence regarding them, or who may deliberately give a false deposition on oath, or solemn declaration, when summoned and examined as aforesaid, or who may alter, fabricate, falsify or mutilate the accounts which they may be required to produce; provided further, that collectors and other officers employed in the settlement of the land revenue, or in any of the inquiries specified in this Regulation, shall be vested with all the powers and authority which are or may be lawfully exercised by collectors in cases depending before them under Regulation II, 1819, and the rules contained in Clause III, Sections XIII. XIV. and XIX. of the said Regulation, shall be and be held applicable to all persons who may be summoned by any collector or other officer aforesaid, or who may resist the process of a collector issued under the rules of this Regulation, or who may refuse to take an oath, or subscribe a solemn declaration when required, or who may deliberately give a false deposition on oath, or under a solemn declaration taken instead of an oath, or may cause or procure another to do so.

XX. First.—The powers specified in Sections XI. XII. XIV. XVI. XVII. XVIII. and XIX. of this Regulation, shall be ordinarily exercised by collectors when employed in making or revising settlements of the land revenue, and shall extend to all the lands comprised in the pergunnah in which he may be so employed; but it shall be competent to the Government, by an order in Council to be publicly proclaimed in the district, to restrict the authority of collectors and other officers making settlements in such manner, and to such extent, as he may, from time to time, judge expedient. In like manner it shall be competent to Government to vest such collectors as may from time to time be judged fit, with a special authority to receive, try, and determine in the first instance, subject to a regular suit in the Adawlut as above provided, all or any of the questions of the nature specified in the aforesaid Sections, though the said collectors may not be engaged in making or revising a settlement of the land revenue, and to vest in such of the collectors as may be thought proper, authority (either generally, or within such limits as may be from time to time determined) to receive, try, and determine by summary process, all suits for rent which may be preferred by zemindars, talookdars, or other sudder malgoozars or farmers of land, or by any person in their behalf, against any dependent talookdar, zemindar, under-renter, ryot, or other under-tenant of whatever denomination, as well as all applications by ryots and the under-tenants contesting the demand of a sudder malgoozar or farmer, and all complaints preferred by ryots or other under-tenants of whatever description, against landholders or farmers of land, or their respective agents or representatives, on account of excessive demand or undue exaction of rent, whether levied by distraint or otherwise, as well as all suits relative to the adjustment of accounts between landholders and farmers of land or under-tenants of whatever description, with their sureties, or with any agents or persons employed by them in the managements of land, or the collection or payment of the rent of land, and to all other matters immediately connected with the demand, receipt or payment of the rent of land, whether malgoozary or lakhiraj, or with the rent of orchards, pasture grounds, and fisheries, commonly denominated phulkur, bunkur and julkur, or with any other asset of the land revenue, not included in the sayer abolished, together with all complaints of the non-delivery of pottahs when demandable under the Regulations, or complaints of the prescribed receipts not being given for actual payment of rent, and, generally, complaints of any deviation from the Regulations, or from the established usage of the country relative to the matters aforesaid, or any violation of subsisting engagements in disputes respecting the rent and occupancy of land, between landholders or farmers of land, and their under-tenants of whatever denomination.

Second.—The appointment of the collector to the discharge of the above duties, and the extent of the jurisdiction to be assigned to him, shall be notified by Proclamation in the district, after such manner as the Governor General in Council may direct; and after the publication of such notice, all summary suits, actions, applications

applications and complaints of the above nature, and referring to lands or the rents, produce, or accessions of land lying within the jurisdiction assigned to the collector as above, which, may be preferred in the Zillah or City Adawlut by any sudder malgoozar, zemindar, talookdar, farmer, ryot, or other proprietor or under-tenant of land, shall, immediately on being received, be referred for trial to the collector, to whom all such summary suits depending at the time shall be transferred; provided also, that in such cases, parties having suits or complaints to prefer, of which the cognizance may be vested as above in the collector, shall be at liberty to prefer them to that officer in the first instance. It shall in like manner be competent to the Governor General to fix, by an order in Council, the period at which the special powers given as above to a collector, and the authority to be ordinarily exercised by those officers on the occasion of making settlements, shall cease and determine.

Governor General may fix by proclamation period for which collectors are to exercise judicial powers under this Regulation.

Third.—No complaint or application of the nature specified in the preceding clauses shall be received by a collector under the rules of this Regulation, unless the plaint or application shall have been preferred within the period of one year after the cause of action shall have arisen.

Collectors shall not take cognizance of complaints specified in preceding clauses, unless preferred within one year.

XXI. In summary suits for rents and the like, wherein special rules have been prescribed for regulating the process of the courts, the collectors shall be guided by the same rules, and shall exercise the same powers and authority as are or may be lawfully exercised by the Zillah and city judges. In other cases falling under their cognizance, according to the provisions of this Regulation, the ordinary process for securing the attendance of the defendant or party otherwise impleaded, shall be to issue a notice reciting the matter, and requiring the defendant or other party to attend in person, or by representative, at such time and place as may be made choice of by the collector for conducting the investigation; should any party fail to attend after being served with a notice of the above description, or should the return of the nazir or person employed to serve the notice be, that after diligent search the party or parties cannot be found, proclamation shall be made in writing, to be stuck up at or near the ordinary residence of the party, stating that after fifteen days from the date of publishing the same the case will be liable to be brought up for trial and judgment; and any party implicated, who having been served with the notice above described shall fail to attend, or who shall continue to absent himself, will be as much bound by the judgment that may be passed as if he or they had been in attendance to plead.

Collectors by what rules of practice to be guided, and what processes to issue.

XXII.—Sections XVIII. and XIX. Regulation VIII. 1819, are hereby extended to all the provinces immediately subject to the Presidency of Fort William, and the provisions of the said Sections shall be applicable to the proceedings of collectors held under this Regulation; provided, however, that whenever it shall be desired to apprehend a defaulter residing out of the jurisdiction of the collector by whom the suit relative to the alleged arrear may be cognizable, the process of arrest shall be served through the judge of the district where the alleged defaulter may reside.

Section XVIII. and XIX. Regulation VIII. 1819, extended and declared applicable to cases tried by collectors under this Regulation.

XXIII. *First.*—It is hereby declared and enacted, that in so far as concerns the summoning and examination of witnesses, the penalties for false testimony, for resistance of process, contempts, and all other similar matters connected with cases under cognizance before the collectors of land revenue, or other officer, by virtue of the powers vested in them by this Regulation, or any other Regulation whereby collectors are vested with judicial powers, their cutcherry or office for the time being being shall be deemed and held to be a court of civil judicature.

Collector's Cutcherry shall be held a court of civil judicature; and his decisions shall be deemed to be judicial awards.

Second.—Provided also, that the regular suits which may be brought to contest decisions passed by collectors, under the powers vested in them by Sections XI. XII. XIV. XV. XVI. XVII. XVIII. XIX. and XX. shall be of the nature of an appeal to court in its regular jurisdiction from a summary award. It shall not therefore be necessary for the collector or other officer of Government to be a party in the action.

Third.—Collectors of the land revenue are hereby empowered to execute all awards made by them under the rules of this Regulation, in cases wherein a specific sum of money shall be adjudged to be due, or any costs or damages be awarded; the collector decreeing the same shall proceed to levy the amount for the party in whose favour it may be adjudged, by the process in use for the recovery of arrears of

Collectors authorized to execute awards made by them.

the Government revenue ; provided, however, that he shall not sell any lands, houses, or other real property, in satisfaction of any judgment passed in favour of any individual, on a summary inquiry. In cases wherein possession of lands, houses, watercourses, or the like, may be adjudged, it may and shall be lawful for the collector making the award to deliver over possession in the same manner, and with the same powers in regard to all contempts, resistance, and the like, as are or may be lawfully exercised by the courts in giving possession to an auction purchaser ; and the zillah or city adawlut shall support the collectors in the exercise of the above power, and shall give effect to any orders passed by them in pursuance of it, in the like manner as if the same had been passed by themselves. Collectors are further hereby empowered to place one or more peons, mirdahs, suwars, or the like, to aid in the maintenance of possession for the party to whom it may be awarded, in case of his deeming such a measure necessary or expedient.

Collectors authorized to depute native officers to make inquiries preparatory to settlement.

XXIV. First.—It shall and may be lawful for a collector, or other officer exercising the powers of collector, preparatory to making or revising a settlement as aforesaid, to depute any tuhséeldar, kanoongoe, aumeen, or other fixed or temporary officer, to any village or mehal, whether the same be managed by a zemindar or farmer, or be held khas, to inquire into the various matters which such collector or other officer is required or empowered to investigate, in order to form a settlement in the mode prescribed by this Regulation. Any such native officer so deputed as above shall be deemed to be vested with the power of summoning and examining putwarries, gomashahs, or other persons by whom the accounts of the village or mehal may be kept, in the same manner and with the same powers as is provided for officers deputed under Section XXV. Regulation XII. 1817. Furthermore, in case the collector or other officer may so prescribe, the said tuhséeldar, or other person, shall be empowered to make a measurement of the village or mehal, into which they may be deputed, and to summon any mocuddums, pudhans, ryots, or other residents, and to call upon them to point out the boundaries of such village or mehal, and to furnish information as to all matters relating to the land, and the rights and interest attaching thereto ; and any person contumaciously withholding information from an officer deputed as aforesaid, shall be liable, on the same being established to the collector's satisfaction, to the same penalty as is prescribed for putwarries refusing to attend or give evidence.

Refusal or obstruction of the process or order of a collector, how punishable.

Second.—Provided also, that any person who may by force or threats obstruct or resist the execution of any legal process, requisition, or order of a collector or other revenue officer, shall, in addition to the penalties prescribed by the existing Regulations for such act, be liable to a fine not exceeding two hundred rupees, or to imprisonment in the Dewanny jail for a period not exceeding two months ; the said fine or other penalty to be adjudged by the collector, after proceeding duly held and recorded, and the sentence to be immediately reported to the Board to which he may be subject.

Police officers to aid and support the execution of process and orders of collector.

Third.—Provided further, that all police officers shall aid and support the execution of all process and orders issued by a collector or other officer aforesaid, on the responsibility of the officer issuing or executing the same ; and if any affray or breach of the peace shall occur in consequence of any resistance or obstruction being made, or attempted to be made, to the legal process or order of a collector or other revenue officer, the parties resisting or obstructing such process or order shall be punishable for the affray or breach of the peace, and the revenue officers shall not be liable to any criminal prosecution on that account.

Parties in suits tried by collectors, may employ any vakeels or agents they think proper.

XXV. It shall be competent to the parties in all suits, the cognizance of which is hereby vested in the collectors of revenue, to employ any agent, vakeel, or representative, whom they may think proper to appoint, to act and plead in their behalfs, provided such agent, vakeel, or representative, be duly empowered by the parties. The rate of remuneration to such agent or vakcel shall be left to be adjusted between himself and his constituent, but no greater sum shall be awarded on this account for costs payable by the party against whom the judgment may be passed than what may be deemed by the collector a fair equivalent for the attendance of such agent.

What pleadings to be required.

XXVI. No other pleadings shall be required from the parties in such suits than a plaint and answer ; provided, that if the parties should at any time wish to file an amended

amended plaint or an amended answer, or any explanatory motion, such subsidiary pleadings shall be received.

XXVII. The mooktarnamas or vakalutnamas, and the pleadings and final decree in such suits, shall be written on stamp paper of the value of eight annas, whatever may be the amount of the suit; and no fees shall be taken on exhibits tendered in the cause, or for the witnesses required by the parties; nor shall it be necessary for the parties to present a written motion on stamp paper for the filing of such exhibits, or for the summoning of such witnesses.

Stamped paper to be used.

XXVIII. It shall be competent to the collectors to hear and determine such suits in whatever part of the district they may occasionally be or reside, provided that every hearing and decision be in public cutcherry, or in some other place open to the public, and in the presence of the parties, or of their constituted agents or vakeels, if in attendance.

Collectors may try and determine suits in any part of their districts.

XXIX. First.—The decisions of the collectors on all such suits shall be appealable to the Board of Revenue, or other authority exercising the powers of that Board. The petition of appeal shall be presented either to the collector, or to the Board, at the option of the party, and shall be written on stamp paper of the value of two rupees, but no petition of appeal shall be received after the expiration of three months from the date of the decision, unless sufficient cause shall be shown for the delay to the satisfaction of the Board; provided also, that the Board shall not be required in ordinary cases to go into a regular investigation of the merits, but shall be authorized to dismiss the appeal without further investigation, in all cases in which, on a consideration of the final robucaree of the collector, they may not see ground to consider the decision of that officer to be unjust, erroneous or doubtful, or his proceedings in the case irregular or imperfect; provided also, that in all cases in which the collector may dismiss the suit for non-attendance, or on some other ground of default, without an investigation of the merits of the case, it shall be competent to the Board to direct a new trial, and in cases in which he may neglect or delay the investigation or decision of a suit without sufficient cause, it shall be competent to the Board to interfere, and to cause the collector to proceed upon the inquiry into and determination of it.

Decisions how appealable to Boards.

Board how to proceed on such appeals.

In what cases Board may direct a new trial, or interpose to correct neglect or delay.

Second.—No pleadings, except the petition of appeal, shall be required in such appeals, nor shall any fees be taken by the Board on the exhibits originally filed, or on any further documents which the Board may think it necessary to call for.

What pleadings to be required in appeals to Boards.

Third.—If the parties choose to employ in the pleading of such appeals the same agents or vakeels who were previously employed by them in the original suit, no further mooktarnamah or vakeelutnama shall be required of them.

Fourth.—The respondent shall receive notice of the appeal, but shall not be compelled to appear in person, or by vakeel, and the appeal shall be decided on the merits of the case, notwithstanding his absence, in the same manner as if he had attended.

Respondents to receive notice, but not to be required to appear.

Fifth.—The decision of the Board shall be final in as far as concerns the result of the summary inquiry of the collector, and shall be rendered in a Persian robucaree written on stamp paper of the value of two rupees.

Boards decision to be final as to the result of summary inquiry.

Sixth.—Any person, however, dissatisfied with the summary judgment of the collector or the Board, and desirous of a more full and formal decision, shall be at liberty to prefer a regular suit to try the merits of the case in the Zillah, or other similar or superior court in which it may be cognizable. In such cases the summary judgment of the collector, if not reversed or staid by the Board, shall be carried into effect, notwithstanding the institution of the regular suit.

But decision of Board and Collector may be contested by regular suit in Adawlut.

XXX. All persons having claims or complaints to prefer of the nature of those made cognizable by collectors under the provisions of this Regulation, and not wishing to avail themselves of the summary process authorized in that court, shall be at liberty to institute their claims or complaints in the first instance, by a regular suit before the local moonsiff, or in the Zillah or City Adawlut, or Provincial Court of the division, according as the suit may be cognizable in these courts respectively, under the general Regulations for the administration of civil justice.

Parties having claims cognizable by collectors, and not wishing a summary trial, may in the first instance bring a regular action in the Adawlut.

XXXI.—First. Whenever a regular suit may be instituted in a civil court, with a view to set aside or alter a summary judgment passed by a collector, the proceed-

On appeal to a court against the decision of a collector, the

proceedings held by that officer shall be called for and filed in the case.

No such appeal cognizable by, or referrible to, any register, ameen, or moonsiff.

Periodical Reports to be furnished by collectors to Boards.

Collectors authorized to refer certain cases to arbitration.

Force of awards passed on such reference.

Matter of arbitration to be distinctly specified in collector's proceedings.

Canoongoes and tehseeldars may be employed as arbiters.

Collectors in what cases to interfere of their own motion in cases of disputed possession.

And to give possession to one of the contending parties.

ings held on the summary inquiry shall be called for by precept from the court, and filed on the record of the case.

Second.—Provided also, that no such suit shall be cognizable by, or referrible to, any register, sudder ameen, or moonsiff; and all registers, sudder ameens, and moonsiffs, shall in cases tried by them be held and bound by the decisions passed; and record prepared, by collectors or other revenue officers under the provisions of this Regulation, unless the same shall have been rescinded or altered by the Board, or by the zillah, or other similar or superior court on a regular suit.

XXII. The collectors shall transmit to the Boards such periodical reports of the causes decided by, or depending before them, as the Boards may direct, and the Boards will also furnish to Government such abstracts of those reports, and such reports in the cases received and determined by them in appeal, as the Governor General in Council shall from time to time require.

XXXIII. First.—It shall be competent to collectors, or other officers exercising the powers of collectors, to refer to arbitration any disputes cognizable by them under the provisions of this Regulation, as well as any questions or disputes of any kind respecting land or the tenures therein, or the rights dependent thereon that may come before them, provided the parties consent to that mode of adjustment, and on award being made, to cause the same to be executed. In referring cases to arbitration under the above provision, and in their general proceedings relative to such suits, the collector shall be guided by the rules contained in Regulation XVI. 1703, and the other corresponding enactments, and in Regulation VI. 1813, in so far as the same may be applicable, and shall be competent to vest in the arbitrators the same powers and authority in regard to the summoning and examination of witnesses, and the administration of oaths, and to enforce the orders passed by the arbitrators under such powers, in the same manner as the courts of judicature are empowered to do; and all awards made on such references shall, when confirmed by the collector, have the same force and validity as a regular decree of the Adawlut, and shall not be liable to be reversed or altered, unless the award shall be open to impeachment on the ground of corruption, or gross partiality, or shall extend beyond the authority given by the submission of the parties, and such ground of impeachment shall be established in a regular suit in the zillah, city or other superior court, wherein the case may be cognizable.

Second.—In referring any dispute to arbitration, the collector shall be careful to specify in his proceedings and in the deed of arbitration to be executed by the parties, the precise matter submitted to the arbitrators, and if the award first made by the arbitrators shall not include all the points submitted to them, or shall be otherwise incomplete, it shall be competent to the collector again to refer the matter to them, with directions to perfect their award.

Third.—The pergunnah canoongoes and tehseeldars may be appointed arbitrators in any case referred to arbitration under the above rules; any thing in the existing Regulations notwithstanding.

XXXIV. First.—When a collector, or other officer exercising any of the powers vested in collectors by the rules of this Regulation, relative to complaints of dispossession, or disturbance of the possession of lands or premises, shall learn, either by a reference from the magistrate, or by a report from any other public officer or otherwise, that any disputes exist within the tract placed under his jurisdiction relative to any lands, premises, crops, orchards, pasture grounds, fisheries, wells, watercourses, tanks, reservoirs, or the like, likely to terminate in the breach of the peace, it shall and may be lawful for the collector, or other officer aforesaid, to require the contending parties to attend in person, or by representative, at a stated time and place, and after investigating the case in the presence of the parties, or their representatives, or such of them as may attend, or referring it to arbitration as above prescribed, to decide the case in the same manner as if it had been brought before him by the complaint of one of the parties; provided also, that if the fact of previous lawful possession cannot be ascertained, it shall be competent to the collector, subject to the orders and direction of the Board, to decide on the question of right, and to give possession to one of the contending parties, leaving the other party to contest the decision by a regular suit in court; but no such decision shall be passed by

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by any collector until he shall have instituted a careful inquiry into the fact of possession, and the Board shall be careful to see that this restriction is observed; provided further, that in such cases it shall be competent to the collector to attach the disputed lands, premises, &c. as aforesaid, and to appoint an officer to the management of the same, retaining in deposit the rents and produce, or such portion thereof as may remain after discharging any public revenue demandable therefrom, with the charges of management, until one of the contending parties shall be placed in possession.

Collector may attach disputed lands, &c.

Second.—Whenever any Magistrates or joint Magistrates shall have before them any suit, complaint, or information relative to any dispute regarding lands, premises, crops, watercourses, or the like, which may appear likely to terminate in a breach of the peace, or which it may otherwise be desirable to bring to an immediate decision, it shall be the duty of such Magistrate or joint Magistrate, in cases in which the collector shall be vested with the cognizance of such actions, to certify the case to that officer, and the collector will then forthwith proceed to investigate and determine the case under the rules above prescribed; provided also, that in all cases of forcible dispossession, or forcible disturbance of possession, the collector shall invariably transmit to the Magistrate or joint Magistrate a copy of the first proceeding held by him in the case, and also a copy of the robucarce containing his final award.

Magistrates and joint magistrates in what cases to refer disputes to collector.

Third.—The collector shall in all such cases use every proper means for inducing the parties to refer their disputes to arbitration, in like manner as the Dewanny courts are directed to do.

Collector to encourage arbitration.

XXXV.—Whenever the term ‘Board of Revenue,’ or ‘Board of Commissioners,’ may occur in this or any other Regulation, the same shall be held and considered to apply to any Board, Committee or Commission, and to any member of such Board, Committee or Commission, that may be vested by the Governor General in Council with the powers and authority of the Board of Revenue, save and except in so far as may be otherwise specially declared and provided. In like manner all rules in this or any other Regulation, whereby any duties or powers may be prescribed for, or vested in collectors, shall be held and considered to be equally applicable to any officer exercising the authority of collector under the orders, or with the sanction of the Governor General in Council.

Meaning of the term Board of Commissioners, &c. as used in this and other Regulations.

Rules regarding collectors, to apply to any officer exercising authority of collector under orders from Government.

A. D. 1822. REGULATION VIII.

A REGULATION to declare that Persons charged with crimes and misdemeanors must ordinarily be brought to trial at the Foudaree Court, or Sessions of the district in which such crimes or misdemeanors may be perpetrated; and to vest the Governor General in Council, and the Nizamut Adawlut, with a discretionary power as to the place of trial:—Passed by the Governor General in Council on the 12th September 1822, corresponding with the 28th Bhadoon 1229 Bengal era; the 11th Assin 1230 Fussily; the 29th Bhadoon 1230 Willaity; the 12th Assin 1879 Sumbut, and the 25th Zeil-hijah 1237 Iligerec.

ALTHOUGH the Regulations of Government contain no specific provision to the effect, it is nevertheless an established principle of law and usage, that persons charged with criminal offences shall (save under special ground of exception) be tried for the same in the Foudaree Court, or at the sessions of jail-delivery held for the zillah or city within the jurisdiction of which the acts charged may have been committed. In some cases, however, a rigid adherence to this principle is productive of great inconvenience to parties and witnesses, and in its consequences obstructs the course of justice; moreover, there are circumstances in which it is desirable, for political reasons, that a trial shall be removed from one district in order to be brought on at some other, where it can be more safely or expeditiously conducted. Instances have occurred in which trials have heretofore been removed for such causes, but the existing Regulations are defective, inasmuch as, besides containing no specific declaration of the general principle, they do not sufficiently provide for the course to be adopted where special grounds of exception may exist. It has consequently been deemed necessary as well to declare the principle

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as to provide by a specific enactment for the exercise by the Governor General in Council, and by the Nizamut Adawlut, of a dispensing power in regard to the place at which prisoners shall be brought to trial for the offences with which they may be charged. It has likewise been deemed advisable to declare specifically the competency of the Governor General in Council to determine where, and in what manner, jail-deliveries shall be held for districts or portions of districts placed temporarily or permanently under the authority of joint Magistrates, or other similar officers. The following rules have accordingly been enacted, to be in force from the date of their promulgation throughout the territories immediately subordinate to the Presidency of Fort William.

II. In explanation of the rules contained in Sections V. and VI. Regulation IX. and Section XVI. Regulation XXII. 1793, together with the corresponding rules for Benares, contained in Section IV. Regulation XVI. and Section XV. Regulation XVII. 1795, and those for the ceded and conquered provinces, contained in Sections V. and VI. Regulation VI. and Section XVI. Regulation XXXV. 1803, and generally of the rules applicable to the limitation of the jurisdiction to be exercised by Magistrates in the cognizance of criminal charges, and in the trial or commitment of prisoners upon the same, it is hereby declared, that nothing contained therein shall be deemed or construed to empower a Magistrate to try and pass sentence, or to commit for trial at the Sessions of jail-delivery for his district, any person or persons charged with an offence not perpetrated within its limits, except under special authority of the Governor General in Council, or of the Nizamut Adawlut. Should, therefore, proceedings have been instituted by any Magistrate against any person or persons residing within his jurisdiction, on account of an offence perpetrated beyond its limits, or should it appear in the course of the investigation of any case, that the act charged was not perpetrated within the limit of the Zilla or City, but in some other jurisdiction, it shall be the duty of the Magistrate who may have commenced proceedings, or who may be conducting the investigation, to send over the parties and witnesses, together with all the proceedings he may have held thereon, to the Magistrate of the district within which the crime may appear to have been committed, in order that the parties may be there dealt with according to law; provided, however, that in case the immediate adoption of this course should be attended with very great inconvenience to the parties and witnesses, or in case there should be other circumstances to make it desirable, in his opinion, that the trial should be brought on or completed at the station at which the proceedings may have been instituted, it shall be competent to the Magistrate to suspend the transfer above prescribed, and to report the circumstances, for the orders of the Nizamut Adawlut: Provided further, that nothing contained in this Section shall be held or deemed to interfere with the course prescribed by Regulation V. 1809, and Section VI. Regulation I. 1822, for the trial and sentence of persons committing offences beyond the frontier of the Company's territories.

III. *First.*—It shall be competent to the Governor General in Council, whenever he shall see sufficient reason for ordering the trial of any person or persons charged with a criminal offence to be conducted in a different zilla or city from that in which the act may have been perpetrated, to issue his instructions to that effect, and the Magistrate of the zilla or city in which the trial is to be conducted, as well as the Magistrate of the district from which the case is to be transferred, shall be bound, on the receipt of orders for the purpose under the official signature of a Secretary to Government, to proceed to bring the party to trial at the place fixed therein, in the same manner as if the offence charged had been committed within that jurisdiction. Notice of every such order shall be immediately given to the Nizamut Adawlut, and to the Court of Circuit for the division within which it is intended, that the trial shall take place, and those Courts shall be bound to proceed under the existing Regulations, in the same manner as if the trial had been brought on in its proper district.

Second.—In the like manner, it shall be competent to the Nizamut Adawlut to order a trial to be brought on at the station or jail-delivery of any zilla or city Magistrate, other than that of the district within which the crime may have been perpetrated, whenever, either from the Magistrate's representation, or from other information, it shall appear to the Court, on substantial grounds, to be recorded on their proceedings, that such measure will promote the ends of justice, or tend to the general convenience of the parties and witnesses without hindrance thereto. An order under the official signature of the Register of the Court shall be sufficient authority

Nothing in existing Regulations to empower magistrates to pass sentence, or commit for trial, by the Court of Circuit, for offences committed out of their jurisdiction.

Except under authority of Government, or of the Nizamut Adawlut.

If the offence charged be perpetrated beyond jurisdiction, the magistrate to send proceedings, parties and witnesses, to the magistrate of the district in which it was perpetrated.

But may suspend for special reasons, and refer the case to the Nizamut Adawlut for orders as to place of trial.

Above rule not to interfere with Regulation V. 1809, and Section VI. Regulation I. 1822.

It shall be competent to the Governor General in Council to order a trial to be conducted at any station, other than that of the district where the offence was perpetrated.

And to issue orders to magistrates for the purpose.

Notice to be given to Nizamut Adawlut and Court of Circuit, who will be bound to proceed with the trial, &c. where ordered.

It shall be competent to the Nizamut Adawlut, to order removal of a trial when the ends of justice, or convenience of parties, may be promoted thereby. Official letter of the Register to be authority for the same.

authority for the Magistrate and Court of Circuit to proceed to the trial, any thing in the existing Regulations to the contrary notwithstanding.

IV. When a trial shall be removed from one zillah, to be conducted or completed in another, in consequence of an order of Government or of the Nizamut Adawlut, under the discretionary powers reserved in the preceding Section, or when a trial shall be ordered to be carried on in the district where the proceedings may have been instituted, instead of being transferred to that in which the crime was perpetrated, the Magistrates of the several districts, having relation to the case, shall be bound to conform to any instructions they may receive from the authority issuing the orders, and the trial held and sentence passed in consequence, shall be of the same legal effect as if the whole had been conducted at the station of the district within which the crime was perpetrated.

V. The foregoing rules, in so far as they apply to the Magistrates, will of course be equally applicable to Joint Magistrates; to the superintendents of Police, and to all other officers exercising the function of Magistrate.

VI. It is hereby declared, that in case of an officer being vested with magisterial powers, and deputed permanently or temporarily to exercise them within a portion of a district, or of an officer's being placed in charge of a tract of country comprising portions of several jurisdictions, it shall in such case be competent to the Governor General in Council, at the time of creating such an authority, or at any time subsequently, to determine and prescribe, by an order under the official signature of a Secretary to Government, at what station and in what manner prisoners committed to take their trial before the Court of Circuit for offences perpetrated within the limits assigned to such officer, shall be brought to trial for the same. Notice of every such determination will of course be given to the Nizamut Adawlut, and that Court shall be bound to take the necessary steps to carry the same into execution.

In case trial in a different zilla from that of perpetration be ordered by Government, or the Nizamut Adawlut, magistrates bound to conform to instructions of the authority ordering the same.

Above rules equally applicable to Magistrates, Joint Magistrates, Superintendents of Police, &c. as to Magistrates.

Declaration that in case a joint Magistracy or the like be created, Government shall be competent to settle how and where its Sessions of Jail-delivery shall be held. Notice to be given to Nizamut Adawlut, who will carry the same into execution.

A. D. 1823. REGULATION IX.

A REGULATION to extend the rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, to Emigrants from foreign states, and other aliens settled in the British territories, or living and residing therein for a period of six months and upwards; also to provide for the execution by Zilla and City Magistrates, of Sentences passed by Tribunals established by Government in Countries not subject to the general Regulations:—Passed by the Governor General in Council on the 19th September 1822; corresponding with the 4th Assin 1229 Bengal era; the 18th Assin 1230 Fussily; the 5th Assin 1230 Willaity; the 4th Assin 1879 Sumbat, and the 2d Mohurruin 1238 Higerree.

THE rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, for the cognizance of offences committed beyond the frontier, are subject to the restrictions contained in Section II. Regulation VIII. 1813, which provides that "the said rules shall be considered applicable to the three following classes of persons, and to no other."

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First.—"Natural-born subjects of the British Government in India. *Second.* "Natives of India who may have become subjects of the British Government in India, by the conquest or cession of the places in which they were born, for acts done by them subsequently to the period of such conquest or cession. *Third.* "Natives of the foreign states of India, in the Civil or Military Service of the British Government in India, while actually in such service, and during six months after they shall have quitted the British territories; or (supposing them to be stationed out of the limits of the British territories) after they shall have quitted the service." In consequence of these restrictions there exists at present no legal method of bringing aliens and others, not specified in the above rule, to justice for offences committed by them beyond the frontier; nor is there indeed any mode of proceeding against them except to surrender them to the officers of the state within which the crime may have been perpetrated. Since, however, it is manifestly expedient that the Government should possess the same discretionary power of bringing all persons residing and living under the protection of its laws to trial by the established Courts for such offences, the Governor General in Council

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has determined to extend the provisions of Regulation V. of 1809, and Section VI. Regulation I. 1822, to all persons whatsoever, other than British-born subjects of His Majesty, who shall have lived and resided for six months in the territories immediately subordinate to the Presidency of Fort William, or have otherwise settled therein, and become subject to its Government. It has likewise been deemed expedient to provide, by a legislative provision, for the execution by the several Zilla and City Magistrates of sentences passed by tribunals established for the administration of criminal justice in newly acquired countries, or in territories not subject to the operation of the general Regulations; and the following rules have accordingly been enacted, to be in force from the date of their promulgation :

The rules contained in Regulation V. 1809, and Section VI. Regulation I. 1822, are declared applicable to foreigners and others settling or residing for six months within the Company's territories.

II. In addition to the classes of persons specified in Section II. Regulation VIII. 1813, the rules of Regulation V. 1809, and of Section VI. Regulation I. 1822, are hereby declared to be applicable to all persons whatsoever, other than British-born subjects of His Majesty, who being resident within the Company's frontiers may have purchased any lands, or other immovable property, or hired the same for any period exceeding six months, or who may have otherwise fixed or may hereafter fix their residence in the Company's territories with the intention of settling therein, or who may in any manner have lived and resided therein for a period of not less than six months.

The Zilla and City Magistrates declared competent to give effect to sentences passed by the Criminal Courts in territories not subject to the operation of the general regulations.

III. *First.*—The several Zilla and City Magistrates are hereby declared to be competent to give effect to any sentence that may be passed by the criminal courts established, or that may be established under orders from the Governor General in Council, for the administration of criminal justice in territories appertaining to the Honourable Company's dominions, but not subject to the operation of the general regulations.

A warrant under the official seal and signature of the officer exercising criminal jurisdiction, declared to be a sufficient authority for the confinement, transportation, or punishment of a prisoner.

Second.—A warrant, under the official seal and signature of the officer or officers exercising criminal jurisdiction within such territory, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any punishment defined and prescribed therein.

In cases of doubt as to the legality of such warrant, or the competency of the officer by whom it may have been issued, a reference to be made to the Governor General in Council, and in the mean time the prisoner to be detained in custody.

Third.—In the event of any doubt being entertained as to the legality of any warrant sent to be executed by any Zilla Magistrate, or as to the competency of the person or persons whose official seal and signature may be affixed thereto to pass the sentence and issue such warrant, a reference of the point shall be made to the Governor General in Council, by whose order on the case the Magistrates and all other public officers shall be guided as to the future disposal of the prisoner: pending any such reference, the prisoner or prisoners shall be detained in custody, in such manner and with such restrictions or mitigations as may be specified in the warrant.

The rules in force for the treatment and security of prisoners confined in gaols declared equally applicable to the cases of prisoners confined under this Section.

Fourth.—The provisions of the existing Regulations, and all other rules in force for the treatment and security of prisoners confined in the jails of this Presidency, shall apply and be of equal force and effect in the case of prisoners confined under this Section, as of other convicts detained under sentences of the criminal courts passed under the Regulations in force.

A. D. 1822. REGULATION X.

A REGULATION for exempting the Garrow Mountaineers, and other rude tribes on the North-Eastern frontier of Rungpore, from the operation of the existing Regulations; and for establishing a special system of Government for the tract of country occupied by them, or bordering on their possessions:—
Passed by the Governor General in Council on the 19th September 1822, corresponding with the 4th Assin 1229 Bengal era, the 18th Assin 1236 Fusly; the 5th Assin 1230 Willaity; the 4th Assin 1879 Sumbut; and the 2d Mohurum 1238 Higerce:

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THERE exist in different parts of the territories subordinate to the Presidency of Fort William races of people entirely distinct from the ordinary population, and to whose circumstances therefore the system of government established by the general regulations is wholly inapplicable.—Such were the Mountaineers of Bhau-gulpore.

gulpore, for the reclaiming of whom to the arts of civilized life special arrangements were made by Government with the chiefs, some time before the introduction of the present system. These arrangements still subsist, having been incorporated into the code by the provisions of Regulation I. 1796, under which an entirely distinct system has been established for the administration of justice amongst the inhabitants of that mountainous tract. Savage tribes, in some respects similar, exist on the North-East frontier of Rungpore, of which the race denominated Garrows, and occupying the hills called after them, are the principal. As yet little has been done to reclaim or civilize these people. The reciprocal animosity which subsists between them and the inhabitants of the cultivated country, prevents any extensive intercourse of a pacific nature; while on the contrary their mutual injuries have produced feuds leading frequently to disturbance and bloodshed. The zemindars of the frontier have, there is reason to believe, usually been the aggressors by encroaching on the independent territory of the Garrows and similar rude tribes, until, despairing of other resource, the latter are driven to seize occasions of private revenge and retaliation. These encroachments having been of long standing, several zemindars were, at the time of the perpetual settlement, in the receipt of incomes derived from cesses of various kinds levied from the tribes, and hence a portion of the tract of country occupied by them has been considered to lie within the operation of the general regulations as forming part of the zemindarees. This however, instead of conducing to reclaim the tribes to civilized habits, has rather had a contrary effect, the system being totally inapplicable to their savage and secluded condition, and being calculated to leave them at the mercy of the zemindars, rather than to offer any substantial means of redress. The condition of the Garrow Mountaineers, and of the other rude tribes on that frontier has, for some time past, attracted much of the attention of the Governor General in Council, and the circumstances which have conduced to check the progress of civilization amongst them have been fully investigated and ascertained. With a view, therefore, to promote the desirable object of reclaiming these races to the habits of civilized life, it seems necessary that a special plan for the administration of justice, of a kind adapted to their peculiar customs and prejudices, should be arranged and concerted with the head men, and that measures should at the same time be taken for freeing them from any dependence on the Zemindars of the British provinces; compensation being of course made to the latter for any just pecuniary claims they may have over them. Preparatory to the execution of measures adapted to this end, it has been deemed indispensable to suspend the operation of the existing rules for the administration of civil and criminal justice, and generally of the Regulations of Government within the tract of country comprised in or bordering on the hills and jungles occupied by these tribes, and to appoint a Commissioner with full power to conclude arrangements with the chiefs, and to conduct the entire administration of the tract in question, subject only to such orders and instructions as he may receive, from time to time, from the Governor General in Council. The following rules have accordingly been enacted, to take effect from the date of their promulgation, in the manner and within the limits therein described :

II. The tract of country now comprised in the Thannah jurisdictions of Gwalpara, Dhoo bree, and Kurreebaree, in the district of Rungpore, is hereby declared separated from the said district; and the operation of the rules for the administration of the police and of civil and criminal justice, as well as those for the collection of the land revenue, customs, abkarree, and stamp revenues, together with all other rules contained in the Regulations printed and published in the manner prescribed by Regulation XLI. 1793, are suspended, and shall cease to have effect therein from the date of the promulgation of this Regulation, except in so far as may be hereinafter provided.

III. The administration of civil and criminal justice, the collection of the revenue, the superintendence of the police, and every other branch of government within the tract above described, are hereby declared to be vested in an officer appointed by the Governor General in Council, and denominated the Civil Commissioner for the North-Eastern parts of Rungpore; the said officer shall conduct the same agreeably to the principles and spirit of the existing Regulations, subject to the restrictions and modifications hereinafter provided, and to such other alterations and amendments as may from time to time be ordered by the Governor General in Council.

Separating the tract of country comprised in the Thannas of Gwalpara, Dhoo bree and Kurreebaree from the jurisdiction of the district of Rungpore, and declaring the operation of the existing Regulations to be suspended, except so far as provided hereafter.

A Civil Commissioner appointed for the north-east parts of Rungpore above described, vested with the powers of administering civil and criminal justice, the collection of revenue and the superintendence of the police in the manner prescribed in this Regulation.

Commissioner to exercise the functions of magistrate, and to have criminal jurisdiction in the trial and sentence of persons charged with offences to the extent of a Circuit Judge, but no Futwa to be required.

Commissioner and other officers acting under his control, shall ordinarily conform to the principles and spirit of the Regulations applicable.

But shall obey and conform to all special rules, and orders of Government. Referral to the Governor General in Council of the power of regulating sundry matters connected with the Commissioner's criminal jurisdiction.

Proceedings in the trial of certain cases to be referrible to the Nizamut Adawlut before final sentence being passed by the commissioner.

The Nizamut Adawlut how to pass judgment in such cases.

Power of the commissioner in administering civil justice.

Suits exceeding in amount Rs. 5000 to be appealable to the Sudder Dewanny Adawlut.

Special appeal allowed, if under 5000 rupees.

IV. First.—In the administration of criminal justice, the Commissioner shall be competent to exercise all the functions and authorities now exercised by magistrates in respect to the apprehension and trial of persons charged with offences; and further to hold trials and pass sentence to the extent permitted by the Regulations to a judge of circuit; but without reference of the proceedings for Futwa to a Mahomedan law-officer.

Second.—In the exercise of the powers and authorities above conveyed to the Commissioner, he shall ordinarily conform to the principles and spirit of the Regulations applicable to such subjects; so likewise the police officers, and all other officers acting under his control: Provided however, that the Commissioner and all such officers shall be bound to conform to any special rules or orders that may from time to time be issued by the Governor General in Council for regulating the process before trial, or the forms of trial to be observed in the case of different classes of the population, and the same shall be to all intents and purposes legal and valid. Moreover it shall be competent to the Governor General in Council to extend, limit, or modify any part of the authority to be exercised by police officers, and likewise to confer on the Commissioner the power of granting conditional pardon to accomplices without previous reference to the Nizamut Adawlut, as required by the existing Regulations, or in any other way to extend or modify the magisterial and judicial functions vested in the Commissioner by the preceding clause of this Section. An order or resolution of Government, under the official signature of a Secretary to Government, shall be sufficient authority for such modification; any thing in Regulation XII. 1793, or in any other Regulation of Government, to the contrary notwithstanding.

Third.—If the Commissioner shall deem an offender brought to trial before him to be liable to a punishment exceeding that which by the existing Regulations a Judge of Circuit is competent to adjudge, without referring the case to the Nizamut Adawlut, he shall not pass any final sentence thereon, but shall transmit to the Nizamut Adawlut the record of the proceedings held on the trial, together with a full English report of the circumstances of the case, and of his opinion as to the guilt or innocence of the prisoner or prisoners tried, as likewise an explanation of any special custom of the parties or witnesses that may be necessary to the proper understanding of the proceedings.

V. Upon the receipt of any trial referred by the Commissioner under the preceding Section, the Nizamut Adawlut shall, without submitting the proceedings for the futwa of their officers, proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner, with exception to the requisition of a futwa, as if the trial had been sent up in ordinary course from a judge on circuit.

VI. In the exercise of the duty of administering civil justice within the tract defined in Section II. of this Regulation, the Commissioner shall hold a Court, and proceed, in cases wherein persons not of the race of Garrow Mountaineers, or other rude tribes are exclusively concerned, according to the existing Regulations, subject to the modifications provided for by this Regulation, observing as far as practicable the rules prescribed for Zillah Judges holding and presiding in the Adawluts of the country; provided however, that there shall be no limit to the amount for which a suit shall be cognizable by the Commissioner, and an appeal from his judgment shall not lie to the Provincial Court. If the stake or interest involved (calculated according to the rule contained in Section XIV. Regulation I. 1814,) do not exceed in amount or value the sum of 5000 sicca rupees, the decision passed on the case by the Commissioner shall be final. If the interest involved, calculated as above, exceed in value or amount the sum of 5000 rupees, an appeal shall lie in such cases direct to the Sudder Dewanny Adawlut, who will proceed in the hearing and adjudication thereof, in the same manner as in the case of appeals entertained by the Court from judgments of the Provincial Courts of Appeal. The Sudder Dewanny Adawlut shall likewise be competent to grant a special appeal in cases of a less amount than 5000 rupees, should there appear, either on the face of the decree, or from circumstances established to the satisfaction of the Court, substantial reason for concluding that there has been a failure of justice in the award of the Commissioner's.

VII. If the parties in a civil action be Garrow Mountaineers or of any other similar rude tribe; or if either of them be of that description, the form and process that may be sanctioned and prescribed by the Governor General in Council shall be adopted in the trial and adjudication of the matter at issue, and in the execution of the award; and any civil judgment that may be passed according to such form shall have full authority and effect in the same manner as a decree passed by a competent court of final jurisdiction.

The process and form of trial in civil action, between Garrows, and the like, or in which one of the parties may be of this description, to be as prescribed by the Governor General in Council.

VIII.—*First*. In the conduct of the revenue duties of the tract of country placed under the Commissioner, as well those relating to the customs, abkaree, stamps, and other miscellaneous items, as to the land revenue, the Commissioner shall observe the rules and principles of the general regulations, with such limitations and restrictions, as to the authority to be exercised by himself, as may be provided in the instructions he may receive from time to time from the Governor General in Council; provided however, that it shall be competent to the Governor General in Council to direct the separation, temporarily or permanently, of any tract of country occupied by Garrow Mountaineers or other rude tribes from the estates of any neighbouring zemindars to which the same may now be claimed to be attached; also to discontinue the collection by zemindars or others of any cesses, tributes or exactions, on whatsoever pretence the same may be levied from such people, and to make arrangements either for the remission of the same, or for their collection direct by the officers of Government, making such compensation to zemindars or others justly entitled thereto for the relinquishment of the same, as may to him seem most equitable and proper.

Rules under which the commissioner shall conduct the Revenue duties in the tract of the country placed under his control.

Proviso, declaratory of the competency of Government to separate tracts occupied by Garrows or the like from Zemindars, and to discontinue the levy of cesses or the like, giving compensation when justly due.

Second.—No suit or action shall be entertained by any Civil Court having jurisdiction, or that may hereafter have jurisdiction, within the tract of country subject to the authority of the Commissioner, on account of any act of the above description done under the authority of the Governor General in Council.

No suit shall be entertained by any civil court within the tract of country subject to the commissioner on account of acts done as above.

IX. In all matters connected with the tract of country specified in Section II. or with the races of mountaineers and rude tribes above described, if from the want of any special provision, or from doubts as to the applicability of the rules in existence, any difficulty shall arise as to the course to be pursued, a reference shall be made to the Governor General in Council, to whom it shall be competent to prescribe, by an order under the official signature of a Secretary to Government, what specific measures shall be adopted in the particular instance, as well as to annul, modify, and explain any existing rules or orders.

All questions regarding the application of the rules in matters connected with the tract of the country described in Section II. of this Regulation, shall be referrible to the Governor General in Council.

A. D. 1822. REGULATION XI.

A REGULATION for modifying and explaining the existing Regulations relative to the sale of Land for the recovery of arrears of Revenue; for declaring Government not to be liable for any errors or irregularities in the proceedings of the Courts of Justice; and for making further provision for the conduct of the Revenue Officers in certain cases:—Passed by the Governor General in Council, on the 22d November 1822; corresponding with the 8th Aughun 1229 Bengal era; the 23d Kartick 1230 Fussily; the 9th Aughun 1230 Wilaity; the 8th Kartick 1279 Sumbut, and the 7th Rubce-ul-awal 1238 Higeree.

THE existing Regulations relative to the public sale of estates for the recovery of arrears of Revenue appear to be defective, inasmuch as they do not specify the conditions which are to be held necessary to the validity of such sales, nor define, with sufficient precision and accuracy, the nature of the interest and title conveyed to the persons purchasing estates so sold; various doubts have accordingly arisen on both these questions, which it appears necessary and proper to remove by a legislative enactment; and it is also expedient further to regulate the course of proceeding to be hereafter followed in regard to sales of the above description, in order better to guard against error or irregularity in the conduct of them. With the view too of securing the zemindars from the risk of that injury and hardship which experience has shown must, in many individual cases, result from the absolute confirmation of sales

Preamble

sales in all cases in which the prescribed conditions may have been observed, it has appeared desirable, distinctly to vest the Revenue Boards with the power of annulling sales made by the collectors under their authority, not only in cases in which they may appear to have been irregularly conducted by those officers, but also in cases in which the defaulter may clearly appear to have been defrauded or deceived by his own agents, or in which the confirmation of the sale may from any cause appear to be a measure of excessive severity, or to be otherwise inexpedient or improper; cases also have occurred in which the revenue officers of Government having been executively employed in giving effect to orders issued by the Zillah Adawlut, which the decision of the superior Courts has declared to be irregular and illegal, Government has been held responsible for the acts done by the said officers in virtue of the orders aforesaid, contrary to the real intent and meaning of the existing law, and it has therefore become necessary to declare, that Government is not liable for any errors or irregularities in the proceedings of the Courts of Justice, whether the revenue officers may or may not be employed in giving effect to the proceeding or order deemed to be erroneous or irregular. It has further appeared expedient to make certain other additions and modifications in the Regulations prescribed for the conduct of the revenue officers. With a view therefore to the above objects, the following rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation throughout the Provinces of Bengal, Behar, Orissa and Benares, and in the Ceded and Conquered Provinces, including the district of Cuttack.

Certain parts of the existing Regulations rescinded.

II. *First*.—Sections XIII. XXV. XXVI. XXVII. and XXVIII. Regulation XIV. 1793. Sections XIX. XXIX. XXXII. XXXIII. XXXIV. Regulation VI. 1795. Regulation V. 1796. Section XXVIII. and Clauses II. III. IV. and V. Section XXIX. Regulation VII. 1799. Sections III. V. VI. VII. and XI. Regulation I. 1801. Sections II. III. IV. V. VI. VII. VIII. IX. X. XI. XIII. XIV. Regulation XXVI. Clause V. Section XVII. and Sections XIX. and XXIX. Regulation XXVII. 1803, and Regulation XVIII. 1814, are hereby rescinded.

Further provisions rescinded.

Second.—Regulation XII. 1796, and Regulation V. 1800, in so far as the same are applicable to public sales for the recovery of arrears of Revenue, together with such parts of Sections III. XXIV. and XXV. Regulation XIV. 1793, Sections VII. and XXXI. Regulation VI. 1795. Section XXIII. Regulation VII. 1799. Section XXXI. Regulation XXVII. 1803, and of any other of the Regulations in force which prescribe, or shall be construed to prescribe, that the revenue officer shall issue any Tullub Chittee, Dustuk, or other process of demand on persons from whom arrears of Revenue, or other demands similarly recoverable, may be due, or that they shall attach the estates or farms in the possession or management of such defaulters, before bringing their property to a public sale as well as such part of the above-mentioned and any other Regulations which restrict, or can be construed to restrict, the powers of the revenue officers in selecting lands for sale on account of arrears of public revenue, or the period of sale, and which may not be re-enacted by this Regulation, are hereby rescinded.

Rules rescinded or modified by the said rules, or provisions still to be repealed or modified as heretofore.

Third.—The several rules and enactments rescinded, or modified by the provisions above recited, or any of them, shall be and continue repealed, or modified as heretofore.

Declaration as to the liability of lands to public sale for arrears of revenue.

III. *First*.—The Regulations of Government having made the estates of proprietors under engagements with Government primarily answerable by public sale for any arrear in the monthly payments of the Revenue, as defined in Section II. Regulation III. 1794, and in the corresponding enactments of the Regulations applicable to Benares, and to the Ceded and Conquered Provinces, and the property of all persons under stipulations with Government, whether as proprietors for their own estates, or as farmers or managers, and their sureties, being likewise answerable for such arrears, it is hereby declared and provided, that the Collectors of land revenue shall, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, be entitled to have recourse to this process for the realization of any arrear, or interest thereon, or other revenue demand that may be due from parties so under engagements, whether any other revenue process shall, or shall not have been issued, and at any time of the year when the same may be unpaid, subject only to such rules and restrictions as are specifically prescribed in this, or any other Regulation.

Second.

Second.—Estates under the superintendence of a Court of Wards shall not be liable to sale for arrears accruing during the period they may be so managed.

Estates while under Court of Wards not liable to sale.

Third.—Joint estates shall not be liable to sale for arrears that may accrue during the progress of a butwarra or partition, until the expiration of the year within which the arrear may become due. In like manner, estates under attachment by order of the Courts of Justice shall not be liable for sale in the middle of the year, for arrears accruing during the period of such attachment.

Joint estates and estates under attachment, only to be sold at the end of the year.

Fourth.—Provided further, that it shall be competent to the Governor General in Council to impose on the Revenue Boards and subordinate Revenue Authorities; such further restrictions in regard to the sale of lands for arrears of revenue as may from time to time appear necessary; and if any sale shall be made by any collector or other officer in contravention of an order or instruction issued by Government, such sale, though not voidable under the provisions of Section V. shall nevertheless be liable to be annulled by the Governor General in Council at any time within three years of the date of sale.

Further restrictions in regard to sale of lands may be exercised by Government and by Boards, and Government may annul sales at any time within three years, if made in contravention of such instructions.

IV. Sales of land for arrears of revenue shall be made under the following rules by the collectors of revenue, or other officers authorized in that behalf by Government, and no sale made in conformity with the said rules, and duly confirmed by the superior Revenue Authorities, shall be liable to be annulled, set aside, or altered by any court of judicature, on account of any error or irregularity in the previous process used for the recovery of the arrear claimed, or on account of any error, irregularity, or omission whatsoever, not involving the failure of one of the conditions hereinafter specifically declared to be essential to the validity of public sales; but any person, who may consider himself aggrieved by any act or circumstance connected with a sale not amounting to such failure, shall have his remedy in a personal action for damages against the individual by whom, or by whose fault he may have been endamaged.

Sales for arrears of Revenue, to be made by revenue officers.

And not to be annulled except on ground specified.

V. The conditions of the validity of a public sale for the recovery of arrears of revenue are the following:

Conditions necessary to validity of sales.

First.—That the lands or mehal sold form the estate on account of which the arrear has accrued, or are parcel of such estate, and be liable to sale consistently with the principle and provisions declared and enacted in this Regulation; or if not the estate or parcel of the estate as aforesaid be the property of the defaulter or his surety, or being the property of such defaulter or surety, shall have been specially pledged to answer the demand in arrear.

Second.—That permission to make the sale shall have been received from the Boards of Revenue, or other authority exercising the powers of those Boards, previously to the day of sale.

Third.—That due notice of the demand, and of the intention of the collector to sell, as well as of the time and place of sale, shall have been given as hereinafter provided.

Fourth.—That some part of the amount demanded in the notice, or of the interest payable thereupon, shall be due at the time of the lot being put up.

Fifth.—That the sale shall be made at the time and place stated in the advertisement, and with due publicity and freedom, as hereinafter specifically directed.

VI. *First.*—Whenever a collector or other officer shall deem it necessary to resort to a sale of lands for the recovery of arrears of revenue, he shall transmit to the Board of Revenue, or other authority exercising over him the powers of that Board, a statement containing the name of the mehal or mehals proposed to be sold, the name of the registered proprietor or proprietors, or such of them as may be ordinarily used in designating the estate, the amount of the Government jumma, and of the arrear due. If the lands proposed for sale form a parcel or fractional part of an estate, the collector or other officer aforesaid shall further explain, for the information of the Board or other authority aforesaid, the grounds on which he may have fixed the proportional assessment. Along with the said statement, the collector or other officer aforesaid shall transmit a copy of the notice of sale, which he may have issued, or may propose to issue, under the rules hereinafter prescribed. The Board of Revenue, or other authority exercising the powers of

Collector desiring to sell, how to apply for the Board's permission.

Statement of lands for sale to be forwarded.

With copy of notice.

Board how to proceed on receiving statement from collector.

Board may postpone sale.

Causing notice to be given of postponement.

Repeated postponement may be made by the Board.

If alteration made in the mehal to be sold, its jumma, or in place of sale, fresh publication necessary.

Sales of land not liable to be annulled on ground of informality or omission in communications between Collectors and Board, provided authority to sell have

In what cases collector may advertise, without previous reference.

Notice of sale what to contain, and how to be issued.

Copy of notice to be stuck up in Cutcherry of collector, and in court.

And in office of Board.
Publication made on estate.
Manner of publication in Mofussil.

that Board, on receiving the above statement, will determine on the propriety of resorting to a public sale. If they deem it necessary or proper to make the sale in the manner proposed, they shall communicate to the collector authority to that effect; if there shall be any cause why the sale should not take place on the day fixed by the collector, it shall be competent to the Board or other revenue authority aforesaid, at any time previously to that date, to appoint any subsequent day, and they shall in such case instruct the collector to give notice of the sale being so postponed, in the manner hereinafter prescribed for cases of postponement, causing at the same time a notice of the postponement to be inscribed on the advertisement transmitted by the collector for publication in their Secretary's office. It shall be competent to the Board, or other authority aforesaid, in like manner repeatedly to postpone the sale of any estate, in the event of any thing arising to render it expedient to do so.

Second.—Provided however, that if the Board, or other authority aforesaid, shall see reason to direct the sale of a portion only of the lands proposed by the collector to be sold, or of different lands, or to make any alteration in the amount of the jumma proposed by the collector, or to change the place of sale, it shall in such case be necessary that a fresh lotbundee be prepared, and that a notification of the proposed sale be published in the district, and at the office of the Secretary to the Board, or other authority aforesaid, in the same manner and for the same period as is prescribed for the publication of advertisements issued in the first instance by the collectors.

Third.—No sale, whether made before or after the promulgation of this Regulation shall be liable to be annulled on the ground of informality, or omission in the communications that may have passed between the collector and controlling Board; provided that the Board shall have actually given authority to proceed to the sale of the specific lot sold.

VII. First.—The following rules shall be observed in issuing notice of sale, after leave shall have been obtained in the manner prescribed in the preceding section; provided, however, that whenever a collector, proposing to have resort to a public sale of any estate for arrears of revenue, shall deem it desirable to avoid the delay incident to a previous reference to the Board, then, provided the arrear, or any part of it, shall have been due not less than fifteen days, it shall be competent to the collector to issue the notice of his own authority, without waiting the sanction of the Board of Revenue.

Second.—Every notice of the sale of lands for arrears shall, in case the lands be situated in Bengal or Orissa, exclusive of Cuttack, be written in the Persian and Bengallee languages; if in Cuttack, in Persian and Ooreca; and if in any of the other provinces, in Persian and Nagree. The aforesaid notice shall contain a statement of the demand on account of which the sale is to be made, and a specification of the estate or mehal to be sold, and of the jumma assessed on it, as well as of the day and place of sale.

Third.—A copy of the notice shall be stuck up in some conspicuous part of the collector's cutchery, or place of office for the time being, and another copy shall be sent to the judge, or other person in charge of the adawlut of the district in which the lands, or some part of them, may happen to lie, who shall on receipt of it cause it to be similarly exposed in a public part of his cutchery or adawlut; a third copy shall be sent to the Board of Revenue, or other authority exercising the powers of that Board, for publication in the office of its secretary. A like notice shall be sent by a single peon to be published on the estate, or in the mofussil, in the manner following: The peon shall first proceed to the cutchery or residence of the defaulter, and upon obtaining a receipt under his hand, or under that of his manager, shall leave the notice in the possession of either of those persons. If the peon shall not be able to obtain a receipt as above, he shall proceed to the cutchery of the canoongoe, moonsif, or thanadar, within whose jurisdiction the said cutchery or residence may be, and shall cause the notice to be affixed to some accessible and exposed part of the building, bringing away a receipt from the officer at whose station the publication may have been made. Provided however, that in case any malgoozar or malgoozars should give in a written application to the collector, praying that notices of arrears and of sales on account of the revenue due from them, either

either on account of their estates generally, or for any estate specifically named, may be served on their agents, or at the house of any mahajun at the sudder station, or other person duly authorized on the part of such malgoozar, or malgoozars, to receive and forward the same to him or them, then the receipt of the person or persons so authorized shall be deemed a full and sufficient acknowledgment of the service of such notice, and the tulubana leviable on the issue of the same shall be calculated with reference to the distance of the residence of such authorized agents from the collector's office.

Fourth.—No sale shall be liable to be annulled on the ground of any insufficiency of the notice given, provided it be satisfactorily proved, that the copy of the notice required to be sent to the court for publication was received by the judge, or other person in charge of the adawlut, for a period of thirty days prior to the date of sale; and provided there be sufficient evidence that the notice directed to be sent into the mofussil was received by the parties, or by any manager or agent on their part, or was published at a public cutchery after the manner provided, on a date prior to that on which the sale may have taken place, by not less than twenty days, or provided it be satisfactorily proved by other circumstances, or there be sufficient ground to presume that the defaulter was fully aware of the demand being outstanding against the mehal, and of the intended sale, for a like period before the day of sale.

What publication sufficient for validity of sale.

Fifth.—Provided however, that if any of the registered proprietors of an estate which a collector may propose to bring to sale for arrears of revenue, shall be entertained as a native officer or soldier in the regular military establishment of this Presidency, and shall have notified the circumstance to the collector in the manner required by Clause I. Section IX. Regulation XV. 1816, it shall be the duty of the collector to follow the course prescribed in that section before proceeding to the actual sale of the estate.

Course to be followed by the collector, in case the registered proprietor of an estate ordered for sale be a native officer, or soldier on the regular military establishment of this Presidency.

VIII. *First.*—In case of any sale being postponed, whether by orders of the Board of Revenue, or of any other authority exercising the powers of that Board, or in consequence of the Collector's seeing reason to put off the sale to a subsequent date, the collector shall, on or before the day originally fixed for the sale, stick up in his own cutchery an advertisement notifying the postponement, and the date on which the postponed sale is to take place, and shall transmit a counterpart to the judge of the district, who shall cause it to be similarly published at his court-house. This rule shall not however apply to cases in which any sale may have been postponed in consequence of any alteration in the lands advertised for sale, or of the jumma assessed thereon, or of the place of sale, in which case a fresh lotbunder and advertisement will be necessary, as above provided.

What notice required in cases of postponement.

In what case fresh Advertisement to be issued.

Second.—If, after the day appointed for the sale shall have arrived, and the assembly shall have been convened, the collector shall publicly adjourn the meeting, or put off the sale of any estate from day to day, either on account of illness, or because of the day's having closed, or from the press of other business, or as an indulgence to or at the request of the defaulters, or any of them, or for any other cause which he may deem good and sufficient in any such case, it shall be the duty of the collector to cause a notification of the circumstance to be inscribed in the original advertisement made in his cutchery over against the name of the estate or estates of which the sale may be put off; provided however, that if such adjournment shall take place after the bidding for any lot shall have begun, and before the lot is knocked down, the collector shall hold a proceeding recording the last offer, and the name of the bidder; and if he resume the sale at the adjourned meeting, he shall again put up the lot at the price so offered, unless the bidder shall have formally retracted his bid, or having been thrice called, shall not be forthcoming.

What notice to be given in case of adjournment.

Proviso for cases in which the bidding may have commenced.

IX. In regard to sales, which may have been made prior to the enactment of this Regulation, the decision of the courts on the question of their validity, in so far as relates to the adequacy of the notice which may have been served on the party, or otherwise issued, shall be guided by the principles stated in the fourth Clause of the 7th Section of this Regulation, that is to say, no sale shall be annulled by any of the said courts on the plea of want of due notice, provided it can be proved, or there be sufficient reason to presume, that a notice of sale in any one of the languages prescribed by the Regulations was served on the defaulter, or affixed or published in any part of the estate sold, one month prior to the date of actual sale, and that the purport of the notice was understood by the defaulter, his agents, or

Declaration as to the application of the above principles to past sales.

two or more of the residents of the place who may have witnessed the publication; provided further, that in cases in which any sale made previously to the enactment of this Regulation may have been postponed from the day appointed by the advertisement to the next or ensuing day of public business, if the meeting was publicly adjourned, and the persons assembled were fully informed of the postponement of the sale, and attended accordingly in such number and manner as that the second meeting may be fairly deemed to have been a continuance by adjournment of the first, such sale shall not be liable to be set aside as void or invalid upon any plea that the notice or notices required in cases of postponement were not duly served or published.

Before sale, arrear to be ascertained.

X. First.—Previously to putting up any estate to sale it shall be the duty of the collector, or other officer holding the sale, to satisfy himself that some part of the advertised arrear, or of the interest and charges due on account of it, is still unpaid. If the defaulter, or any one in his behalf, shall deny the existence of an arrear, it shall still be competent to the collector or other officer to proceed with the sale, unless the sum demanded by him shall be paid in, or a tender made of government securities, or notes of the bank of Bengal, equivalent to the entire demand, and five per cent. in addition, to cover eventual charges, or unless a certificate be furnished under the seal and signature of the judge of the district, showing the amount to have been deposited in court.

Provision for sales held at the office of the Board.

Second.—Provided, however, that in cases of sales held at the office of the secretary to the Board of Revenue, or other similar authority, no payment or deposit made in the zillah shall be deemed sufficient to stay or invalidate a sale, unless the same shall have been made at such a period before the date of sale as to enable the collector, or other officer receiving the same, to communicate the information to the Board by the ordinary dāk, or unless the party shall himself produce to the officer conducting the sale a certificate of such payment or deposit having been made under the seal and signature of the collector, or judge of the district, before the lot is put up for sale.

Parties paying, or depositing amount demanded, may sue to recover.

Third.—Parties paying, or depositing as above, the amount demanded from them, will of course be entitled to sue under the rule contained in Section XXIII. of this Regulation, provided they at the time deny the justness of the demand in writing, and proceed within the prescribed period; but after a sale shall have been made it shall not be liable to be annulled by any Court of Judicature, on the plea that no arrear was justly due, unless the said plea shall have been preferred to the collector or the Board prior to the sale, or previously to its confirmation by the latter authority, or good and sufficient reason be shown why such denial could not be made: Provided also, that no claim to abatement or remission of Revenue, unless the same shall have been allowed by the authority of Government, nor any private demand, or cause of action whatsoever, held or supposed to be held by a zemindar or other engager against Government, shall be allowed to bar or in any way affect the right of Government and its officers, summarily to enforce the payment of the public Revenue by the sale of the lands or property of the person, so long as any part of the assessment for which such zemindar, or other person aforesaid, may be liable, shall remain undischarged.

Proviso.

Declaration as to arrears accruing under attachment, or during dispoession.

XI. All estates for which a settlement shall have been made being liable for the Revenue assessed upon them to the extent of the interests possessed by the person or persons who may have engaged with Government, as ratified and confirmed by the act of settlement, and by those deriving title from such person or persons, unless otherwise especially provided, no sale shall be annulled on the plea that the arrear demanded accrued while the engager or his representative was divested of possession and management of the estate sold by the act of an individual, or by the collector or other officer acting under the order of a Court of Judicature, or attaching the estate by virtue of the powers vested in him by this or any other Regulation.

Sales to be made conformably with Advertisement.

By whom, and where to be made, if at Board.

XII. Sales shall be made at the place and time specified in the advertisement. If the sale shall have been advertised to take place at the Board of Revenue, or other authority exercising the powers of that Board, then it shall be held in the building or tent used as an office by the Board, or authority aforesaid, or in some convenient and public apartment, or other open and convenient place thereunto belonging or adjoining, in the presence of the Secretary, or that of one of the Members of the Board, or other authority as aforesaid, or of a covenanted officer duly empowered by the same to hold the sale. If the sale shall have been appointed to

to take place in the zillah, then it shall be held in the presence of the collector or other authorized covenanted civil servant in public Cutcherry, that is to say, in some building or tent used as an office, and open to the public, or other open and convenient place thereunto belonging or adjoining; provided also, that in the morning of the day of sale, and whilst the sale shall be going on, the collector or other officer shall cause a flag to be exhibited, or such other signal to be given at the door or gateway of the office where the sale may be conducted, as the Board of Revenue may direct.

And by whom, and when in zillah.

XIII. When the bidding shall have commenced, it shall be the duty of the collector to receive the bid of every one without inquiry, but prior to knocking down the lot and concluding the sale, he shall call upon the person who may have made the last offer, in order to satisfy himself on the following points :

Every one's bid to be received. But before concluding sale, collector shall satisfy himself.

1st. That the bidder has the means of making the deposit hereafter directed to be taken.

1st. That bidder can make required deposit.

2dly. That he is not the defaulter, or an officer of his own establishment, or a person acting on behalf of either the defaulter or such officer.

2d. That he is not a person forbidden to purchase.

3dly. That the person or persons named is or are the real *bona fide* purchaser or purchasers on their own account and risk.

3d. That the ostensible purchaser is the real one.

XIV. *First.*—A deposit of 15 per cent. on the amount bid, or such other rate as the Board of Revenue, or other similar authority, may from time to time direct, shall be required by the collector from the person in whose name any lot may be knocked down, immediately on declaring the sale concluded, or as soon after as the collector may think necessary.

What deposit to be made by purchasers.

Second.—If the person who may have made the last offer shall not when called upon forthwith tender the prescribed deposit, the collector shall be at liberty to reject the bid, and to put up the lot again at the amount of the next highest offer. The person who may have made such offer shall have the benefit of his bid, and be held bound to maintain it, by tendering the required deposit, if no higher offer shall be made; and on his failure to do so the collector shall be competent to have recourse to the next highest bidder; provided however, that it shall at all times be competent to the collector, at his discretion, to commence the sale of the estate *de novo*, instead of concluding the sale with the next highest bidder.

If deposit not tendered when required, the lot to be again put up.

Third.—Any person bidding at a public sale, who upon being called upon to conclude his purchase and lodge the prescribed deposit, may be unable, or may refuse to do so, shall be deemed guilty of contempt, and the collector shall be competent to impose a fine, of an amount not exceeding 100 rupees, for every such offence, and if the fine be not paid, to send the delinquent to the Judge of the district, who shall confine him in the civil jail until the fine is paid, or for a period not exceeding fifteen days.

Persons failing to make deposit, how punishable. —

XV. *First.*—If at a public sale for arrears, the collector shall see reason to believe that the highest bidder, or person with whom he is about to conclude a sale, is purchasing for the defaulter, or has given in a fictitious name, concealing that of the true purchaser or purchasers, or has stated as the purchaser the name of a person other than the party or parties with whose money, at whose risk, and for whose benefit the purchase may have been made, or has concealed the name of any such party, it shall be competent to him to refuse to conclude the sale. In every such case however he shall hold a proceeding in the Persian language, stating distinctly the grounds of his belief, and the reason of his setting aside the individual, and disallowing his purchase; provided also, that in such cases the party so bidding shall be liable to a fine equal in amount to the deposit which would have been paid had the sale been concluded at the price bid, or to such other fine not exceeding that amount, as the Board may, on the report of the collector, see fit to impose; all such fines adjudged by the Board shall be recoverable by the process in use for the recovery of arrears of revenue from sudder farmers and their sureties.

In what cases collector may refuse to conclude a sale with highest bidder.

Collector in such cases, to record the grounds of refusal.

Penalty for bidding by defaulter, or Benamtee if purchase be disallowed.

Second.—It shall be in the power of any person whose purchase may be disallowed to appeal from the collector's order to the Board of Revenue, or other authority exercising the powers of that Board; and provided he give in to the collector a written protest, claiming the lot before the breaking up of the Cutcherry,

Persons whose purchase is disallowed by collector may appeal to the Board.

or at the next sitting of the collector, or transmit a petition to that effect to the Board within twenty-four hours of the conclusion of the sale, it shall be competent to the Board, or other authority aforesaid, to direct the sale to be concluded with the party disallowed, to the prejudice of any other purchaser at an inferior price.

The term defaulter explained to mean the person with whom settlement has been made by Government, or his representatives.

XVI.—The term defaulter, wherever used in this Regulation, shall be deemed and considered to designate the person or persons with or on account of whom the settlement of the land revenue may have been concluded with Government, or the heirs, successors or assignees of such person or persons in possession of the interest acquired or confirmed by such settlement: And it shall not be construed to include those proprietors, puttedars, village zemindars, or the like, who at the time of the settlement held distinct properties, though paying their revenue through the recorded malgoozar, save and except in so far as those persons may be expressly declared responsible to Government.

Sales not to be set aside on plea of wrongful disallowance, but defaulter, if aggrieved, may sue for damages.

XVII.—No sale shall be liable to be reversed on account of any proceedings, or order of the collector, or of the Board of Revenue, or other authority exercising the powers of that Board, touching the question of whether a purchase is to be allowed or not; nor shall any action lie against Government on account of any such proceeding or order.

Collector how to proceed in the case of purchase by Revenue officer.

XVIII. First.—Should the collector or other person conducting the sale, either at the time of concluding the sale, or at any subsequent time before the sale may have been confirmed by the Board of Revenue, or other authority exercising the powers of that Board, see reason to believe that the real purchaser is a person on his establishment, or in any way connected with the management of the collections of the zillah or pergunnah within which the lot sold may be situated, he shall nevertheless conclude the sale, and realize the purchase money, having recourse, if necessary, to the process prescribed for the recovery of arrears due from sudder farmers or their sureties. It shall in such case be his duty to institute an immediate investigation, in order to bring the matter to proof, and the result of any proceedings that may be held upon such an investigation shall be submitted to the Board of Revenue, or other authority aforesaid, who will determine whether the fact be established, or otherwise. Should they consider it to be proved that the real purchaser is an individual employed at the time on the collector's establishment, or otherwise in the collection of the revenue of the local division within which the lot is situated, the Board, or other authority aforesaid, shall report the circumstances to the Governor General in Council, who will, if he deem it expedient, direct the lot to be attached, and held for Government, or to be re-sold, or escheated, or otherwise disposed of at his pleasure. The amount of the purchase money shall in that case be credited to the defaulter in the same manner as if the sale stood good; and if the purchaser contest the fact of his being a person prohibited from purchasing, he shall have his remedy in an action at law, for the recovery of any amount he may have paid into the Treasury, with interest and damages.

Governor General may confiscate.

Purchaser may contest by suit in court.

Collector how to proceed, on discovery of Benamiee purchase, before delivering possession.

XIX. If at any time after the conclusion of the sale, and before the receipt of the Board's confirmation and the delivery of possession, the collector shall see reason to believe that the name or names given in at the time of sale was or were other than the name or names of the real bona fide purchaser or purchasers, he shall be competent to stay delivery of possession, and to institute an investigation to bring the matter to proof. On completion of the inquiry he shall communicate the result to the Board of Revenue, or other authority exercising the powers of that Board, who shall be competent to annul the sale, and to direct the lot to be re-sold, and also to impose upon the party who bid at the sale such fine as they may see fit, not exceeding the amount of the deposit paid, or payable on the price at which the sale was concluded. The fine so imposed shall be realized from the deposit, if it shall have been paid, or shall be recoverable, if the deposit shall not have been paid, by the process in use for the recovery of arrears of revenue from sudder farmers and their sureties.

After possession given, the purchaser shall not be ousted without suit in court.

XX. First.—When the Board of Revenue, or other authority exercising the powers of that Board, shall have confirmed a sale, and possession shall have been given to the purchaser, he shall not be liable to be disturbed on the plea of any illegality in the purchase, excepting by decree of a Court of Justice in a regular suit.

Second.—

Second.—If at any time after a sale may have been confirmed, and possession given, it shall be discovered that the real purchaser is the defaulter, or a person other than the person who may have been designated as the purchaser at the time of sale, and the fact shall be established by a decree of a Court of Judicature, whether at the suit of Government, or of an individual, in which latter case information shall be given by the Court passing the decree to the collector; then if Government or its officers were not a party to the suit, it shall be competent to the collector, with the sanction of the Board of Revenue, or other authority aforesaid, to impose on the party so offending a fine not exceeding 25 per cent. on the amount of the purchase money, or if it shall appear advisable, and provided a period of two years shall not have elapsed from the date of sale, to cancel the sale, and to dispossess the purchaser, or his representative or representatives, (if put in possession,) returning to him or them three-fourths of the price realized at the public sale.

Process to be followed in case of Penamsee purchase discovered after possession given.

Third.—If after possession has been given it shall be proved by a decree of Court, that an estate has been illegally purchased by a Revenue Officer of Government, whether the suit shall have been instituted by the collector on the part of Government, or by the former owner of the estate sold, or by any other party, who may be induced to prosecute by the hope of reward, by any or all of which persons a suit to enforce the prescribed Penalty may be brought, the Court shall, in case there be no appeal lodged from the decree, or if there be appeal, the Court passing the final judgment, shall forward the decree to the Governor General in Council, in order that a confiscation of the estate may be declared. The Governor General in Council will be at liberty to dispose of any estate so confiscated, according to his pleasure.

Also where revenue officer may purchase.

XXI. First.—The entire amount of the purchase money shall, in all cases of sale for arrears of the public revenue, be made good by the 10th day from the day of sale; and if the whole sum, including the amount deposited, be not made good before noon of that day, it shall be competent to the collector, on the afternoon of the 10th day, or at such subsequent period as the Board of Revenue, or other authority exercising the powers of that Board, may from time to time direct, to notify by beat of drum, or by the issue of advertisements, or in such other manner as the Board or other authority aforesaid may direct, that the estate will be again exposed to sale on any subsequent day on which a sale of other lands may have been ordered to take place; and unless the first purchaser shall fully account to the satisfaction of the collector, or of the Board, for his failure to complete his purchase, the collector shall and may sell the estate so advertised for re-sale at the risk of that person, who shall on his default forfeit the amount he may have already deposited, and all claim to the possession of the estate, as well as to all excess that may be realized at the second sale beyond the price at which the lot may have been sold in the first instance. If the price realized at the second sale be less than that of the first, the difference shall be leviable from the first purchaser by any of the processes authorized for realizing an arrear of the Government revenue; the amount when recovered to be added to the purchase money, for the benefit of the defaulter, and if there is an advance on the re-sale, it shall be carried to the account of the defaulter.

Collector how to proceed, if purchase money be not paid in 10 days.

Estate to be resold at risk of first purchaser

Second.—Provided also, that in such cases it shall be competent to the collector, with the sanction of the Board, instead of re-selling an estate, the purchaser of which may so fail to make good his purchase, to restore the estate to the original proprietor, on his discharging or making satisfactory arrangements for the liquidation of any arrears, which may be due therefrom, together with interest, and all expenses incurred by the sale, or other authorized charges for which he may be justly liable.

Or restored to late proprietor.

XXII.—When the purchase money payable on account of any estate sold for arrears of revenue, or re-sold on failure of the first purchaser, shall be realized, the balance on account of which the sale may have been made, as well as any former balances remaining due from the estate, with all interest and charges up to the day of sale, and also (unless otherwise specially stipulated) any subsequent kists that may have fallen due up to that date, shall first be made good to Government therefrom. The residue shall belong to the defaulter or defaulters, and be payable to his or their receipt upon demand. The purchaser will be answerable for the entire kists of the Government revenue that may be due on account of the month in which the sale is held, (unless otherwise specially stipulated), and for all subsequent kists; and it is hereby prohibited to the ryots and under tenants to make any payments on

Purchase money how to be appropriated.

Responsibility of purchaser for the Government Revenue, from what time to commence.

Under tenants not to pay any rent fall-

account

ing due after day of sale, without authority from collector.

Arrears due to defaulter to be recovered by suit in the usual form, unless transferred.

Collector to report sales to the Board, and not to give possession until confirmed.

Persons objecting to sale may petition the Board, who will allow time before confirmation.

Board, may annul sales, and their order in that case shall be final.

Sales may be contested by suit in court, though confirmed by Board.

But shall not be set aside, except on plea urged to the Board.

Suit to be dismissed if failure of some condition of validity be not proved.

But Court may adjudge damages for irregularity or the like.

And may certify cases of hardship to Governor General in Council.

Who may restore the former proprietor, compensation being made to purchaser in such cases.

account of rent, or revenue falling due subsequently to the day of sale, or on account of the month in which the sale may be held, to the defaulter, or to any person whatever claiming to collect them as sudder malgoozar, who may not bring a certificate or umulnama under the seal and signature of the collector, authorizing him to do so, or a receipt for the advertised balance.

XXIII.—Arrears that may be due at the time of sale from the under tenants to the defaulter shall be recoverable by him by suit in court, in the usual form; but if he shall choose to transfer his right therein to the new proprietor, the latter may proceed against the defaulting under tenants for the recovery of the amount so due by them, in the same manner as if the arrears had accrued subsequently to his acquisition of the mahal.

XXIV. First.—When any estate may be sold for the recovery of arrears of revenue, the collector shall, as soon as possible after the full amount of the purchase money shall have been realized, transmit a report of the sale and the accounts thereof, together with any proceedings he may have held upon the occasion, to the Board of Revenue, or other authority exercising the powers of that Board, for confirmation; and no sale shall be deemed absolute, or entitle the purchaser to assume possession of the lands sold, until the confirmation of the Board, or other authority aforesaid, shall have been received.

Second.—If the party whose lands may have been sold shall desire to contest the sale, it shall be competent to him to present a petition to the Board of Revenue, or other authority exercising the powers of that Board, at any time within thirty days from the date of sale, until which date the Board, or other authority aforesaid, shall not issue any final order of confirmation. Provided also, that it shall be competent to the Board, or other authority aforesaid, to allow a further term, in case they deem it necessary, for the purpose of investigation, or any other sufficient cause.

Third.—If on perusal of the collector's proceedings, or the petition of the party, the Board, or other authority aforesaid, shall see sufficient ground for withholding their confirmation of the sale, it shall be competent to them to annul the sale, after making any further inquiry they may judge necessary, and they shall similarly be authorized to postpone their final orders for such time as may be requisite for the investigation of the case. The order of the Board of Revenue, or other authority exercising the powers of that Board, for annulling a sale, on whatever ground founded, shall be conclusive.

XXV. If the Board of Revenue, or other authority exercising the powers of that Board, shall confirm the sale, it shall nevertheless be competent to the former proprietors, or any of them, to institute a suit in the civil court to contest its validity; and if it shall be established to the satisfaction of the court, that any one or more of the conditions above declared to be essential to the validity of a sale, have not been observed, it shall be competent to the court to annul the sale; provided however, that the court shall not admit or take up any such plea, unless the same shall have been urged by the party in his petition to the Board, or other authority aforesaid, or unless the failure to do so shall be satisfactorily accounted for.

XXVI. If the party suing shall fail to establish, to the satisfaction of the court, that the sale is invalid by reason of the failure of any of the said conditions, the suit shall be dismissed; but if it shall appear to the court, in which the decision may be passed on the original suit or in appeal, that the proceedings of the collector, or any of his officers, have been improper or irregular, and that the plaintiff has been endangered from that cause, it shall be competent to the court to adjudge such damages to the plaintiff as may appear equitable, in compensation for the injury sustained by him, and in such case to declare whether the damages shall be paid by Government, or by the collector personally, or by any of his officers; provided also, that it shall in such cases be competent to the court to submit to the Governor General in Council a recommendation that the estate sold should be restored to the plaintiff, with a statement of the compensation which it may appear equitable to allow to the purchaser, recording the same, with the reasons for it at length, on his decree; and whenever a case may be so submitted by any court, and no appeal may be lodged against the judgment, it shall be competent to the Governor General in Council, if he shall be satisfied that the case is one justifying such an interference, to cause the estate to be restored to the plaintiff, on his making the compensation recommended

recommended. But if the purchaser shall desire to retain his purchase, and the case be open to a regular appeal under the general Regulations, the purchaser will of course be at liberty to appeal to the Court possessing appellate jurisdiction, in order to contest the propriety of the recommendation submitted to Government, or of any part of it. In such case the decision of Government will be suspended until the final judgment be passed; but if the purchaser shall merely contest the adequacy of the compensation proposed to be assigned to him, it shall be competent to the Governor General in Council, if he shall resolve to adopt the recommendation of the Court passing the original decree, immediately to order the restoration of the estate to the former zemindars, on payment of the amount adjudged to be due as compensation to the purchaser, and in such event, the fee payable on the institution of appeal shall be calculated on the difference between that amount and the sum claimed, but the appellant should not be entitled to judgment on any other point than that pleaded, viz. the adequacy of the compensation adjudged. In such case the estate shall be held to be mortgaged in security for the eventual judgment.

Proviso for appeals in such cases to be certified.

XXVII. First.—No person shall be entitled to contest the validity of a sale after having received any portion of the purchase money; nor shall any part of the sale proceeds of any estate be liable for the debts of the late proprietor, whilst the validity of the sale may be under contest; provided however, that it shall be competent to the purchaser, or any other party interested, after a suit may have been lodged to contest the sale, to apply to the collector, or the Board of Revenue, or other authority exercising the powers of that Board, in order to have the excess of the proceeds of sale beyond the Government demand vested in Government securities, at the rate of the day, which in that case shall, on the final decision of the suit, be delivered to the person entitled to the same, with the interest which may have accumulated. And if no such application shall be made, interest shall not be demandable upon the unappropriated amount remaining in deposit in the Government Treasury.

Sale not to be contested by a party who has received any portion of the purchase money.

All parties interested may apply to have the excess of the sale proceeds lodged in Government Securities.

Second.—Provided likewise, that if the sale of any estate be reversed by decree of court, by reason of the failure of any of the conditions specified in Section V. of this Regulation, and it be determined that an arrear was due by the late proprietor at the time of sale, the estate shall not be restored to the defaulter until the amount of the arrear shall have been made good with interest, and the Government shall, on restoring the purchase-money to the purchaser, pay to him the same rate of interest on the amount appropriated to the liquidation of its demand, as may be recoverable from the defaulter. In like manner, in cases in which it may be determined that no arrear was due at the time of sale, Government shall be answerable to the purchaser for any sums so appropriated, with interest thereon.

On sale being reversed, payment of the arrears due at the time of sale with interest, to be the condition of resuming possession.

Government to be answerable for the same interest on sums appropriated in payment of arrears as may be recovered from the defaulter.

XXVIII. First.—On receiving the confirmation of a sale by the Board of Revenue, or other authority exercising the powers of that Board, the collector shall give possession to purchasers at the public sales of lands within their respective zillahs, by publishing at the head cutcherry of the pergunnah, or other mehaul sold, and at the cutcherry of the Dewanny Adawlut, in the jurisdiction of which such mehaul, estate, or portion of estate, may be situated, a statement of the land sold, (as exhibited at the time of sale) the name of the purchaser, the date of his purchase, and his succession to all the rights of the former possessor in the lands so exhibited. In the event of any further measures being necessary to put the purchaser in possession, the collector shall apply to the judge of the zillah or city within which the land may be situated, and on inspection of the proclamation above mentioned the judge shall put the purchaser in possession of the property sold to him, as therein specified, by the usual process for giving possession of landed property under decrees of the courts of justice.

Rules for giving possession.

Statements to be published at certain Cutcherries.

If further measures necessary.

Zillah Judge to be applied to, and possession to be given as in case of decree.

Second.—Should obstacles be experienced in giving possession of an estate sold for arrears, whether in consequence of the opposition of the former proprietors, and the difficulty of settling their claims to reserved interests in any part of the lands sold, or from the opposition of persons asserting themselves to be in possession of Talooks, and other interests not affected by the process of sale for arrears, or because of boundary disputes with neighbouring zemindars, or the like, or should the circumstances of the estate to be delivered over to the purchaser appear in other respects to render it expedient that a local commission should be appointed to inquire into the claims of the parties on the spot, in order to decide what lands shall be delivered over to the purchaser, and for what he shall be referred to a civil action

In cases of difficulty in giving possession from disputes regarding tenures or boundaries, or of other sufficient reason.

Governor General in Council may appoint a civil servant commissioner to determine fully the points at issue.

Such commissioner to be, unless otherwise provided, a civil court, and to have jurisdiction as such.

against the opposite party, or vice versa, it shall be competent to the Governor General in Council to depute a covenanted civil servant as a Commissioner for the said purpose; and it shall be competent to the Commissioner appointed under the provisions of this Section, to determine, in the first instance, the limits of the lands in which the purchaser is to be held to have acquired an interest by his purchase, and the nature and extent of the rights and interests to be possessed by him under that title, and to give possession accordingly; leaving any party dissatisfied with his award to prosecute their claims by a regular suit in the Adawlut against the party in whose favour such awards shall have been given: and the awards of such Commissioner shall be maintained and acted upon by the courts of judicature in all summary or interlocutory decisions, or orders, until it shall be altered or reversed by a regular decree of Court. A Commissioner appointed as aforesaid shall be guided by the same rules as are observed by the Zilla Courts in the investigation and decision of summary suits, unless otherwise specially directed by the Governor General in Council, and shall be considered and be a court of civil judicature on all things relating to the cases falling within his cognizance, and to all persons concerned in such cases, whether as plaintiffs or defendants, or their agents, or as witnesses summoned or examined in their behalf; and he shall possess and exercise, in regard to such things or persons as well as in regard to all persons whatsoever, attached to or in attendance at his Cutcherry, the same powers and authority as are or may be lawfully exercised in such matters by the Dewanny Adawlut of the Zilla.

Disputes as to extent of purchase between purchasers and late proprietor, how to be settled.

Third.—If the late possessor shall dispute the right of the purchaser to any part of the property so delivered over to the purchaser, on the plea that it was not included in the purchase, he (the former possessor) shall be at liberty to institute a regular suit in the Dewanny Adawlut for the recovery thereof, and in like manner, if the purchaser thinks himself entitled under the sale to any land, which the judge or officer appointed as above may not deliver over to him, he is at liberty to sue the late possessor for the same in the Dewanny Adawlut.

Disputes between purchaser and a third party as to extent of property conveyed by sale, how to be settled.

Fourth.—If any other person, not being the late possessor of the estate sold, shall claim or assert an interest in any portion of the land delivered to the purchaser, on the plea that, (whether included in the sale or not,) it formed no part of the property liable for the Government Revenue assessed on the mehal sold, he shall be at liberty to institute a suit for the recovery thereof jointly against the former possessor of the mehal sold, and the purchaser. If the lands, or other property so claimed, shall be adjudged to the plaintiff, costs of suit shall be payable by the late possessor of the mehal sold, who shall further, if the land or property sued for shall have been held by him as part of the estate sold, or shall have been clearly included in the sale, be compelled by the Court to make adequate compensation to the purchaser.

Declaration as to extent of right conveyed by a sale. 1st, where an estate may be sold for arrears accruing on another mehal.

2d, where an estate may be sold in recovery of the revenue assessed upon it.

XXIX. In cases in which any land belonging to a defaulter, or his surety, may be sold for the recovery of an arrear of revenue, not being the land on account of which the arrear may have accrued, then whether the said land sold be malgoozaree or lakheraj, the purchaser shall only be held to have acquired the rights, interests, and title possessed by the said defaulter or surety, in like manner as if the land had been sold by private sale, or under a decree of court in liquidation of a private debt. In the case, however, of an estate being sold for the recovery of any part of the revenue assessed upon it, since the act of sale transfers to the purchaser all the property and privileges which the engaging party possessed and exercised at the time of settlement, free from any accidents or encumbrances that may subsequently have been imposed; or have supervened thereupon, such as sale, gift, or other transfer, mortgage, marriage settlement, or other assignment, or the like, the property and privileges possessed and exercised as aforesaid, being perpetually hypothecated to Government for the revenue assessed thereon, no claim of right, founded on any act of the original engager or his representative, or on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the revenue authorities to make the sale, or to bar or affect the title and interest conveyed to the purchaser by the sale. Provided however, that if Government shall have acquired or assumed the property of any estate subsequently to a settlement, and shall have conveyed the same to another, the estate shall be held subject to all just claims to which it was liable at the time of such conveyance: consequently the party ousted on the assumption or acquisition by Government shall not be barred by a sale made after such conveyance of any right he may have possessed

Proviso.

possessed to recover from Government the property so assumed or acquired by it. Provided also, that when any person claiming the proprietary right in any mehal shall have instituted a suit in court for the recovery of the same, if the party in possession of such mehal shall neglect to discharge the revenue payable on account thereof, and a sale of the mehal for the recovery of the arrears due shall have been ordered by the Board of Revenue, or other authority exercising the powers of that Board, it shall be competent to the said plaintiff to make application to the Court to be put in possession of the contested mehal, on paying the arrears, with interest and charges due, and giving security as hereinafter provided. The judge, on receiving such application, shall cause notice thereof to be given to the defendant, or to his authorized agent or vakeel, and if the defendant shall not have discharged the arrear for the recovery of which the sale may have been ordered, with the interest and charges, by noon of the court-day next preceding that fixed for the sale, he shall receive the amount tendered by the plaintiff, and shall cause him to be put in possession, subject to the rules for taking security in the case of appellants and defendants, contained in Clause 4, Section XI. Regulation XIII. 1808, transmitting the amount received as aforesaid, with the necessary precept, to the collector.

Persons claiming property, in an estate advertised, on what conditions to get possession.

XXX.—In pursuance of the principle of holding the estate of a defaulter answerable for the punctual realization of the Government revenue in the state in which it stood at the time the settlement was concluded, (at which time, by the dissolution of its previous engagements, Government must be considered to resume all rights possessed on the acquisition of the country, save where otherwise specially provided) all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots, or the like, settled or credited by the first engager or his representatives subsequently to the settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, shall be liable to be avoided and annulled by the purchaser of the estate or mehal, at a sale for arrears due on account of it, subject only to such conditions of renewal as attached to the tenure at the time of settlement aforesaid, saving always and except bonâ fide leases of ground for the erection of dwelling-houses or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, watercourses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect.

Under tenures how affected by sale for arrears.

Where such tenures may be derivative from defaulters.

XXXI. The above rules regarding under tenures are indispensable for the security of the Public resources, and have accordingly been uniformly acted upon as a general and fundamental principle of the revenue system of this Presidency; but as the application of the rules leaves an opening to abuse, by enabling a zemindar who may have granted leases, or other temporary or permanent assignments of his land, for a present money consideration, to annihilate the under tenures so created by him, it is hereby provided, that it shall be competent to the Governor General in Council, when he shall see proper, at any time before a sale for arrears shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances with which a proprietor in possession, his ancestors, or predecessors, may have burthened his assessed estate, or to such of them as shall appear proper. In all such cases notice of the condition imposed by the Governor General in Council shall be given by the collector at the time of calling up the lot for sale, and such further notification shall be made as the Governor General in Council may direct: provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the revenue will be endangered, it shall be competent to the Governor General in Council, at any time before such restricted sale shall have been finally confirmed under the rule contained in Section XXII. of this Regulation, to direct the sale to be cancelled, and a new sale of the estate to be made without restriction. If subsequently to confirmation occasion should arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Governor General in Council to direct that the mehal shall be sold without any restriction beyond what may have attached to the tenure at the original settlement, or with the reservation before reserved. In the former event, should the purchase-

Governor General Council may reserve under tenure

money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Governor General in Council to direct a portion, or the whole, of the excess to be paid to the persons whose interests having been reserved at the first shall become void at the second sale.

What under tenures to be maintained.

XXXII. The above rules, or any other rules contained in the existing Regulations, by which persons are declared competent under certain restrictions to annul engagements contracted between former proprietors and their under tenants, and in certain cases to enhance the rent payable by such tenants, shall not be construed to entitle the purchasers of land at public sales to disturb the possession of any village zemindar, putteedar, mofussil talookdar, or other person having an hereditary transferable property in the land, or in the rents thereof, not being one of the proprietors party to the engagement of settlement or his representative. Nor shall the said rule be construed to authorize any purchaser as aforesaid to eject a khoo d khasht, kudeemee ryot, or resident and hereditary cultivator, having a prescriptive right of occupancy. Nor shall a purchaser demand a higher rate of rent from an under tenant of either of the above descriptions than was receivable by the former malgoozar, saving and except in cases in which such under tenants may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former malgoozars from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the pergunnah, mouzah, or other local division, such under tenants are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

Mofussil settlements how to be made by purchaser.

XXXIII. Persons purchasing at public sale, who may be desirous of enhancing the rents of their under tenants, shall, as heretofore, be required, in the absence of specific engagements, to serve a formal notice of their intention, as prescribed in Section IX. Regulation V. 1812; but nothing in the said Section was intended, or shall be construed, to affect the right of any individual possessing a transferable or hereditary right of occupancy to contest the justness of the demand so made; and to pay his rent as heretofore, until the contrary shall be decided by a competent court of justice. Nor in any respect to annul or diminish the title of the ryots to hold their land subject to the payment of fixed rents, or rents determinable by fixed rates, according to the law and usage of the country.

If the lot sold be only portion of a mehal, statement of the grounds of assessment to be exhibited at the time of sale, and other information to be given.

But this no guarantee to purchasers, either of the defaulter's title:

Or of the Jumma, if subsequently found disproportionate.

New allotment may be ordered, by Government within 10 years, as in case of Butwarra.

If the Jumma allotted on sale of a portion of a mehal, be found too low, sale may be cancelled within 10 years, if purchasers refuse to allow fresh allotment.

Government may award compensation to be paid by the party benefited by re-allotment.

XXXIV. If the lot sold form only a specific portion of an assessed mehal, divided off for the purpose of sale, with a Jumma specially assigned thereon, a statement of the grounds on which such assessment may have been fixed shall be exhibited at the time of sale, for the information of purchasers, who will likewise be entitled to inspect any records of the office at which the sale may be conducted, that may be forthcoming, of a kind likely to give information as to the value of the lot. The statement, however, so exhibited, or other information howsoever procured, shall not be deemed to afford any guarantee to the purchaser of the title under which the late proprietor may have held the lands mentioned therein as part of the mehal in arrear, or of their profit or extent: Provided likewise, that in case it should subsequently be discovered, that the Jumma settled on the portion of a mehal so sold is excessive, or substantially disproportionate, it shall be competent to the Governor General in Council, on the representation of the purchaser, his heirs or assigns, made at any time within ten years from the date of sale, to order a new allotment of the jumma on the lands sold, and on the remainder of the mehal from which the same may have been separated, on the principle prescribed for the cases of Butwarra, and in this case all separations made at or after the time of sale shall be cancelled; provided further, that in cases wherein the Jumma assessed on a separate lot sold shall from evident mistake be fixed greatly too low, it shall be competent to the Governor General in Council, at any time within ten years from the date of sale, to cancel the sale unless the purchaser consent to allow of a fresh allotment of the Jumma. When a sale may be so cancelled, the amount of the purchase money shall be repaid to the purchaser without interest, and if the late proprietor shall refuse, or fail to make good the amount when called on to do so, the lands sold shall become the property of Government; provided also, that whenever the Jumma assessed on any lot shall be reduced under the above provisions, it shall be competent to the Governor General in Council to determine what compensation shall

shall be paid by the purchaser who may benefit by such reduction of the assessment, or by his representative, to the party or parties, the Jumma of whose lands may be enhanced; or if the aforesaid purchaser or his representative shall refuse to pay the sum so awarded, to cause the lot to be re-sold, and after re-paying to the purchaser or his representative, the amount of his purchase money, without interest, to pay or distribute the remaining proceeds of the re-sale to or among the party or parties, the Jumma of whose lands may be enhanced.

XXXV. It is hereby declared and enacted, that no abatement of a Jumma once fixed by the Revenue authorities, shall be made, except by the authority of the Governor General in Council; and it is hereby further declared, that the Revenue authorities only are competent to take cognizance of any question affecting the amount of Jumma assessed, or fixed on any lands paying revenue directly to Government, and that the fixing, altering, or modifying the amount of Government Revenue on such lands, shall belong exclusively to those authorities, subject of course to the general control of the Governor General in Council.

No abatement of Jumma to be made, without the sanction of Government.

And revenue authorities exclusively competent to take cognizance of questions touching the amount of assessment.

XXXVI. If a collector shall at any time, being so instructed by either the Government or the Board, purchase on account of Government an estate exposed to sale for the recovery of arrears of revenue, the rules applicable to the management of ordinary malgoozaree mehals held khas, or farmed, shall be considered applicable to such estate, and also to all other estates the property of Government, according as they may be held khas, or let in farm.

In case of a purchase by Government, the rules for khas management to be applicable.

XXXVII. *First.*—With a view to enable the Revenue authorities to maintain due order in their Cutcherries, more particularly at the time of conducting judicial investigations and holding public sales, it is hereby enacted, that the Board of Revenue, or other authority exercising the powers of that Board, or any member thereof exercising separate authority, the collectors of land Revenue, or other covenanted officer employed in the collection of the Revenues, shall be competent to punish any contempt, outrage or disturbance committed in open Cutcherry in their presence, by fine to an extent not exceeding 100 rupees, commutable, if not immediately paid, to imprisonment in the Dewanny jail of the district for a period not exceeding fifteen days. A similar power shall be vested in any officer employed in conducting public sales under the authority of the Revenue Boards.

Collectors to have the power of punishing for contempt.

Second.—The orders passed in such cases by the aforesaid officers shall be final, saving the general powers belonging to the Board and to Government, of revising and controlling the acts of subordinate Revenue officers, and the Zillah Judges are required, on receiving a copy of the order passed by such officer adjudging the aforesaid penalty, immediately to take measures to enforce the same, in the same manner as if a like penalty had been imposed by order of Court.

Orders in such cases to be final, saving the power of control vested in the Boards and Government. Zillah Judges are to enforce the penalty ordered, in the same manner as if adjudged by a court.

XXXVIII. It is hereby declared and enacted, that Government is not and shall not be held liable for any error or irregularity which may have occurred, or shall occur in any order, proceeding, or decree of any Court of Judicature, whether a Revenue, or other officer of Government may or may not have been, or shall or shall not be employed, in giving effect to the order, proceeding or decree, deemed to be erroneous or irregular. Nor shall any officer of Government be held liable for any thing done or suffered in conformity with an order, proceeding, or decree of a Court as aforesaid; and if any person or persons shall sue Government, or any officer of Government, for any thing done or suffered under an order, proceeding, or decree of Court as aforesaid, such person or persons shall be nonsuited, with costs. The same principle is and shall be held applicable to all orders, proceedings or decrees, made, held, or passed by any public officer, in virtue of powers vested in him for the judicial cognizance of any pleas, suits, complaints, or informations whatsoever, unless otherwise specially provided.

Government not liable for errors of the Courts of Justice, whether revenue officers be or be not employed in executing the court's order.

XXXIX. Nothing contained in this Regulation shall be construed to limit or affect the powers and authorities conferred by Regulation I. 1821, upon the Sudder and Mofussil Commissioners, acting under the provisions of that enactment, in regard to the annulment of sales.

This Regulation not to interfere with Regulation I. 1821.

II.

REGULATIONS

Passed by the Governor in Council of *Fort St. George*,
in the Year 1822,—N^o I. to IX.

A. D. 1822. REGULATION I.

A REGULATION for the more exemplary punishment of Robbery by open violence.—Passed by the Honourable the Governor in Council of Fort St. George, on the 5th March 1822.

Preamble.

WHEREAS it is expedient and necessary that all cases of conviction of robbery by open violence, as defined in Clause first, Section III. Regulation XV. of 1803, should be referred to the Court of Foujdarry Adawlut, in the same manner as it is provided by Clause third of the same Section that certain cases of conviction of that crime shall be so referred; and that the Foujdarry Adawlut should be empowered to pass sentence of imprisonment and transportation for life, when the offender may appear duly convicted, and may not be liable to suffer death: the following rules have therefore been enacted:

Clause third, Section IV. Regulation XV. 1803, rescinded, except with regard to prisoners convicted before the promulgation of this Regulation.

II.—Clause third, Section IV. Regulation XV. of 1803 is hereby rescinded, but the provisions contained in it shall be considered in force with respect to persons convicted of the crime therein specified, if perpetrated before the promulgation of this Regulation, and the Court of Circuit shall pass sentence accordingly in such cases, without reference to the Foujdarry Adawlut, unless the prisoner or prisoners appear deserving of imprisonment for life, in which case the trial shall be referred to that court.

Persons convicted (not capitally) of robbery by open violence to be sentenced by the Circuit Courts to receive 39 stripes, and be transported for life.

III.—All persons convicted of being concerned, as principals or accomplices, subsequently to the promulgation of this Regulation, in the crime of robbery by open violence, as defined in Section III. Regulation XV. of 1803, and not, under the Regulations in force, liable to a sentence of death, shall be adjudged by the Courts of Circuit and by the Court of Foujdarry Adawlut to receive thirty-nine stripes with a rattan, and to be imprisoned and transported for life, unless from any extenuating circumstances appearing on the trial, the stated punishment shall appear too severe; in which case the Court of Foujdarry Adawlut is authorized to mitigate the sentence, as in other cases left to the discretion of that Court by Clause fifth, Section IV. Regulation XV. of 1803; or to act in pursuance of Clause sixth of that Section, if the prisoner appear a proper object of mercy and pardon.

All convictions of robbery by open violence to be referred to the Foujdarry Adawlut.

IV. The Courts of Circuit shall refer to the Court of Foujdarry Adawlut, in the manner prescribed by the existing Regulations, the trials of all prisoners convicted of the crime of robbery by open violence, and liable to the punishment declared in the preceding Section. The Judge of Circuit, before whom the trial may be held, shall in all cases, pass sentence for the stated punishment, if the prisoner appear to him and to the law officer of the Court of Circuit to be duly convicted, whether by his free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence. But such sentence shall not be deemed final, nor shall any warrant be issued for carrying the same into execution, until it be confirmed by the Court of Foujdarry Adawlut. And if the Judge of Circuit

But the prescribed sentence is first to be passed by the Court of Circuit.

Circuit be of opinion that there are grounds for a mitigation or remission of punishment, he shall state the same in his letter to accompany the trial, as required by Clause third, Section VI. Regulation XV. of 1803.

A. D. 1822. REGULATION II.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases: and to alter certain provisions of the Regulations now in force—Passed by the Honourable the Governor in Council of Fort St. George, on the 2d April 1822.

THE provisions contained in Sections XIII. XIV. and XVIII. Regulation X. Preamble. of 1816, which prescribe that the Criminal Judges shall cause to appear before the Court of Circuit all witnesses required by persons committed for trial, having been found to operate to the obstruction of public justice, and to the injury of individuals, by the abuse on the part of prisoners of the privilege of summoning witnesses; it is therefore desirable that this privilege should be subjected to certain restrictions. It is also considered advisable that provision should be made for authorizing Magistrates to apprehend vagrants, suspicious persons, and persons without visible means of honest livelihood, and persons of notoriously bad character; and, under certain rules and restrictions, to commit them to the custody of the Criminal Judge; and that authority should be given, under certain rules and restrictions, to the Criminal Judges to require security from parties against whom there may be ground for strong presumption, though not full proof, of a specific offence.—It is further deemed requisite for the ends of justice to modify and extend the provisions contained in Regulation VI. of 1811, for the punishment of persons convicted of forgery, or causing forgery; and to render the restriction contained in Section XXIX. Regulation IX. of 1816, against prosecutions of witnesses and parties in the Civil Courts for perjury and subornation of perjury, unless the officers presiding in those Courts shall be of opinion that there are grounds for such prosecutions, applicable to all charges of perjury or subornation of perjury against witnesses and prosecutors in the Criminal Courts.—And it further appears expedient to rescind such part of Section XX. Regulation XIII. of 1816, as requires that petitions addressed to the Criminal Courts shall be written on stamp paper. The following rules have therefore been enacted to be in force from the date of their promulgation:

II. First.—Whenever a prisoner who may confess before the Criminal Judge the offence with which he is charged, or may confirm a former confession thereof, shall require witnesses to attend on his behalf before the Court of Circuit, it shall be discretionary with the Criminal Judge to cause the attendance of any such witnesses, or not, according as it may or may not appear, from the nature of the case, that it admits of palliatory evidence.

Second.—In all other cases when a prisoner may desire the attendance of more than two witnesses on his behalf, the Criminal Judge is hereby authorized to question the prisoner as to the facts which he wishes to establish by their testimony.—Whenever it may appear that the testimony required is irrelevant to the prisoner's defence, the Criminal Judge shall not comply with the requisition of the prisoner; and when several distinct facts are required to be established, which may be material to the defence, the Criminal Judge shall have authority, if he see proper, to summon only two witnesses to each point.

Third.—The Criminal Judge shall record on his proceedings the grounds on which he may exercise the discretion vested in him by this Regulation, of refusing to summon a witness or witnesses on behalf of a prisoner to appear before the Court of Circuit.—The Judge of Circuit, on his arrival at the zillah station, shall peruse the proceedings held against any prisoner or prisoners who may have required the attendance of witnesses not summoned, and if it shall appear to him that procurable evidence, material to a prisoner's defence, has not been called, he shall require the attendance of the witness or witnesses, if it be probable that their attendance can be procured in time to admit of their evidence being taken before the close of the Sessions; and should the attendance of such witness or witnesses

Criminal Judges to have a discretionary authority in regard to summoning witnesses on behalf of prisoners who have confessed.

Criminal Judges may limit the number of witnesses to be summoned on behalf of prisoners not confessing.

Criminal Judges to record their reasons for refusing to summon witnesses desired by prisoners. The Judges of Circuit on perusal of the proceedings shall call for any further procurable evidence considered to be material to a prisoner's defence, and eventually postpone the trial.

not be procurable within that period, he shall postpone the trial until the ensuing Sessions of jail delivery, and issue the necessary orders on the subject to the Criminal Judge.

Magistrates & Heads of District Police authorized to apprehend vagrants.

Magistrates may commit Vagrants or take Security from them.

Court of Circuit may release persons so confined.

Magistrates may also release persons so confined.

Criminal Judges may require security from persons strongly suspected, though not convicted, of criminal offences.

Criminal Judges to report to the Courts of Circuit all instances of the exercise of the power given them above.

Court of Circuit empowered to release persons so imprisoned, and to reduce the amount of security required.

Modification of Regulation VI. of 1811.

Persons convicted of having forged, or procured to be forged, counterfeit coin, to be sentenced to *Tasheer* and to receive 30 stripes, and be banished for 14 years.

The Judge of Circuit may, on sufficient grounds, pronounce a mitigated sentence.

In certain cases the trial to be referred to the Foujdarry Adawlut.

Persons convicted of uttering counterfeit coin to be sentenced to imprisonment for seven years.

III. First.—It shall be competent to the magistrate, and to the heads of district police acting under his orders, to apprehend, when it may seem proper, any vagrant, or suspicious person, or person without ostensible means of honest livelihood, or person of notoriously bad character; and the magistrate at his discretion shall either take security for the appearance of such person, or issue his warrant for such person to be received and detained in the custody of the Criminal Judge.

Second.—It shall however be competent to the Judge of Circuit, at any Sessions of jail delivery, after making such inquiry as he may deem satisfactory, to order the release of any person so confined, either with or without security for his future appearance and good behaviour.

Third.—Persons so confined shall also be liable to be released at the discretion of the magistrate by whom they were committed.

IV. First.—In all cases brought before a Criminal Judge, where adequate proof for conviction of a specific offence may not be adduced against a prisoner, but he shall appear to be under strong suspicion of any act of criminality, it shall be competent to the Criminal Judge to direct that such prisoner be detained in custody until he shall give sufficient security for his future good behaviour and appearance when required.

Second.—Whenever a Criminal Judge may exercise the authority vested in him by the foregoing Clause, he shall submit a report to the Court of Circuit at the ensuing Sessions of jail delivery, specifying the names of persons confined by him on a requisition of security which they may have been unable to furnish, the circumstances of each case, with the proceedings held thereon, and the amount of security required.

Third.—The Judge of Circuit, after inspecting the proceedings, and making any further inquiry deemed necessary, shall pass such order as may appear just and proper, either for the release of the prisoner on his *moochilka*, or for reducing the amount of security required, (if this appear excessive) or for the further detention of the prisoner.

V. First.—The provisions contained in Regulation VI. of 1811, for the punishment of persons convicted of forgery, or procuring forgery, are hereby declared subject to the following modifications:

Second.—The Judge of Circuit before whom a prisoner may be convicted of having forged, or procured to be forged, any counterfeit coin in imitation of any of the gold, silver, or copper coins of the British Governments in India, or of any coin usually received as money in the British possessions in India, shall, provided he concur with the law officer in the conviction of the prisoner, sentence him to be publicly exposed in the mode commonly denominated *Tasheer*, to receive thirty stripes with a rattan, and to be imprisoned in banishment from the district for the period of fourteen years; unless the Judge of Circuit, on consideration of all the circumstances of the case, shall be of opinion that any part of the prescribed punishment is too severe, in which case he shall be authorized to mitigate the sentence to imprisonment with or without *Tasheer* for any period not less than seven years.

Third.—If in any instance the Judge of Circuit shall be of opinion that a further mitigation or remission of punishment is necessary, he shall, provided he concur in the conviction of the prisoner, pass sentence according to the preceding clause, and refer the trial, with his sentiments at large, for the final sentence of the Court of Foujdarry Adawlut, who shall have authority to mitigate the sentence at their discretion.

VI. First.—Any person who shall be convicted before a Court of Circuit, or the Court of Foujdarry Adawlut, of paying, or tendering in payment, counterfeited coin, knowing the same to be counterfeit, shall be sentenced to imprisonment for such period, not exceeding seven years, as the Judge of Circuit, or the Court of Foujdarry Adawlut may deem adequate to the circumstances of the case; and shall also, in all instances of an aggravated nature, or of a repetition of the offence, after being

being once convicted and punished, be sentenced to public exposure by *Taskeer*. In every instance of a repetition of the offence after a previous conviction and punishment, the Judge of Circuit shall further, at his discretion, sentence the offender to receive corporal punishment not exceeding thirty stripes with a rattan.

Punishment on a repetition of the offence.

Second.—The provisions in the preceding Clause are declared applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silver coin of the British Government in India, or any coin usually received as money within the British possessions in India.

The foregoing provisions, declared applicable to cases of clipping or defacing the coin.

VII. If any person subject to the jurisdiction of a zillah magistrate shall be convicted of having in his or her possession any counterfeited coin, and shall not show good and sufficient cause for having such counterfeit coin in his or her possession, the person so convicted shall be sentenced by the magistrate to pay a fine equal to four times the nominal value of such counterfeit coin in his or her possession; one moiety of which fine shall, on receipt of it, be given to any informer or informers who may have given information of the offence, and established the truth of it. In the event of such fine not being paid, the person convicted shall be confined in the zillah jail for such period as the magistrate may direct, not exceeding six months.

Persons convicted of having in their possession counterfeit coin punishable by fine.

Distribution of the fine.

Imprisonment if the fine be not paid.

VIII. The restriction contained in Section XXIX. Regulation IX. of 1816, against prosecutions of witnesses and parties in the Civil Courts for perjury and subornation of perjury, unless the officers presiding in those courts shall be of opinion that there are grounds for such prosecutions, is hereby extended to all charges of perjury, or subornation of perjury, against witnesses and prosecutors in the Criminal Courts.

The restriction regarding the commitment of persons for perjury before Civil Courts declared applicable to the same offence before Criminal Courts.

IX. In modification of the provisions contained in Section XX. Regulation XIII. of 1816, it is hereby enacted, that petitions on unstamped paper shall be received by the Criminal Judges, the assistants to the Criminal Judges, the Courts of Circuit, and the Court of Foujdary Adawlut.

The Criminal Courts authorized to receive petitions on unstamped paper.

A. D. 1822. REGULATION III.

A REGULATION for extending the operation of Regulation VII. of 1818.—
Passed by the Honourable the Governor in Council of Fort St. George, on the 28th May, 1822.

WHEREAS under the provisions of Regulation VII. of 1818, no persons can be admitted to appeal, or to answer in appeal as paupers, excepting such as have originally sued as pauper plaintiffs: And whereas cases have occurred in which parties in original suits, as well plaintiffs as defendants, have become paupers before the filing of a petition of appeal; and it is deemed just and proper to admit such persons to the benefit of the pauper regulation: And whereas it is proper that special appeals should be admitted in pauper cases under the general restrictions prescribed regarding such appeals, the Governor in Council has been pleased to enact the following Regulation, to be in force from the date of its promulgation.

Preamble.

II. *First.*—Plaintiffs in original suits who did not sue as paupers shall be admissible to appeal in *forma pauperis* from the judgments passed in such original suits.

Original plaintiffs, not paupers, admissible to appeal as paupers.

Second.—Defendants in original suits shall be admissible to appeal in *forma pauperis* from the judgments passed against them in such suits.

Original defendants admissible to appeal as paupers.

Third.—The admission of persons to appeal, or defend in appeal, under the foregoing clauses, shall be in conformity with the rules prescribed in Sections V. and VI. Regulation VII. of 1818, for persons desirous of being admitted to plead as paupers in original suits, and subject to the restrictions contained in Section X. of that Regulation in respect to the admission of appeals from pauper plaintiffs.

Such persons are to be admitted in conformity with the general rules of the pauper regulation.

Fourth.—It shall be the duty of the Court competent to admit the appeals in the cases above provided for, to satisfy themselves, in the event of objections being made by the other party to the admission of the applicant as a pauper, that the property of which the said applicant was possessed at the time when the original suit was instituted, has passed from his hands, or has otherwise been rendered unavail-

The Courts to satisfy themselves of the bona fide poverty of persons applying to appeal under this Regulation.

able to him, either by the operation of the judgment from which he is desirous of appealing, or of some other judgment, or generally of causes over which he had no control.

The rules of the pauper regulation, with the present modifications, declared applicable to special appeals.

III. The rules contained in Regulation VII. of 1818, which the modifications thereof provided in this Regulation, are hereby declared to be applicable to the admission of special appeals.

A. D. 1822. REGULATION IV.

A REGULATION declaring the true intent and meaning of Regulations XXV. XXVIII. and XXX. of 1802, so far as they relate to the rights of the actual cultivators of the soil.—Passed by the Honourable the Governor in Council of Fort St. George, on the 12th day of July 1822.

Preamble.

DOUBTS having occurred regarding the meaning and construction of the Regulations enacted for ensuring the prompt realization of the rents due and payable by the actual cultivators of the soil, either to the officers of Government on the public account, or to zemindars or others entitled to receive the same by inheritance or purchase, or in virtue of special grants issued by the ruling authority on terms of a permanent or temporary settlement of the land revenue; it has become necessary for Government to declare, that in passing those Regulations it had no intention of authorizing any infringement or limitation of any established rights of any class of its subjects whatsoever, such rights being properly determinable by judicial investigation only. The Honourable the Governor in Council has therefore been pleased to pass the following Regulation;

Regulations XXV. XXVIII. and XXX. of 1802, declared not to define or infringe the rights of landholders or tenants.

II. It is hereby declared that the provisions of Regulations XXV. XXVIII. and XXX. of 1802, were not meant to define, limit, infringe or destroy, the actual rights of any description of landholders or tenants; but merely to point out in what manner tenants might be proceeded against, in the event of their not paying the rents justly due from them; leaving them to recover their rights, if infringed, with full costs and damages, in the established courts of justice.

A. D. 1822. REGULATION V.

A REGULATION for vesting in Collectors authority to take primary cognizance in certain cases of suits cognizable summarily by the Zillah Courts under Regulations XXVIII. and XXX. of 1802, and otherwise modifying the provisions of those Regulations—for rescinding Regulation XXXII. of 1802,—and for vesting in Collectors the summary cognizance of cases which under that enactment were cognizable by the Zillah Courts—and for authorizing Collectors to refer all such suits to Panchayets for decision, and for extending the provisions of Regulation XII. of 1816.—Passed by the Honourable the Governor in Council of Fort St. George, on the 19th of July 1822.

Preamble.

WHEREAS the provisions of Regulations XXVIII. and XXX. of 1802, have been found insufficient for the due protection of the ryots, inasmuch as the powers they vest in landholders are prompt and summary, while efficient redress for the abuse of those powers must frequently be sought by the institution of a regular suit, to the expense of which the means of ryots in general are inadequate; and it has been deemed expedient to vest collectors with authority to take primary cognizance of all cases which under the provisions of those Regulations are cognizable by summary suit in the Courts of Adawlut, provided the officers of Government are not parties in the case, and to authorize the said collectors to enforce in the first instance the penalties prescribed by those Regulations, their decisions being subject to revision by the civil courts when parties may choose to have recourse thereto: And whereas the provisions of Regulation XXXII. of 1802, do not afford a remedy sufficiently prompt in cases of sudden and violent disputes respecting the occupancy, cultivation, or irrigation of land; and it is expedient to rescind that Regulation, and to refer to the collectors of the Revenue the summary inquiries which under it were conducted by the Adawlut of the Zillah: And whereas disputes as well regarding

regarding arrears of rent, and rates of assessment, as regarding the occupancy and cultivation of land, may occasionally be adjusted by punchayets to the relief of the ryots and the furtherance of the ends of justice; and it is deemed proper to enable collectors, with the consent of the parties, to refer all such cases to punchayets for decision, and to extend the provisions of Regulation XII of 1816, the Honorable the Governor in Council has therefore enacted the following rules to be in force from the date of their promulgation:

II. First.—Collectors are hereby authorized to take primary cognizance, by summary process, of all cases which, under the provisions of Regulations XXVIII. and XXX. of 1802, were summarily cognizable by the Zillah Courts, with the exception of the cases referred to in Sections XXXV. and XL. Regulation XXVIII. of 1802; and they shall have power to assess such damages, penalties and costs as may appear to them proper, but not exceeding in any case the amount limited in the particular provision of the Regulation under which each case was respectively cognizable in the Zillah Courts.

Collectors authorized to take primary cognizance of suits of the nature of those summarily cognizable by the Zillah Courts under Regulations XXVIII. and XXX. of 1802.

Second.—Provided however, that no damages, penalties or costs, which a collector may award under this Section, shall be levied until after the expiration of the period hereinafter limited, during which an appeal may be preferred against the said collector's decision.

No damages or costs to be levied till the period for appeal has elapsed.

III. First.—No property attached under Regulation XXVIII. of 1802, for the discharge of arrears of rent or revenue, shall be sold, unless pottahs shall have been granted, or tendered, and refused; nor until previous notice shall have been given to the collector of the district, and leave shall have been obtained from him for the sale.

Property attached for arrears not saleable, unless pottahs have been exchanged or tendered.

Second.—Where property may be sold contrary to this rule, the defaulter shall be discharged of the arrear for which such attachment has been made; the property attached shall be restored to him, or the value thereof made good by the distrainer, where it may have been damaged or injured, or may not be forthcoming, and distrainers shall further pay damages, not exceeding the loss sustained in consequence of such attachment, with costs of suit.

Penalty for breach of the foregoing rule.

IV. First.—When property may be attached for arrears of rent or revenue under Regulation XXVIII. of 1802, the distrainer shall without delay give notice thereof to the collector, either direct, or through the tahsildar, or the principal revenue officer of the district.

Notice of property seized for arrears to be immediately given to Collectors.

Second.—Property so distrained shall not be sold until the expiration of thirty days from the day on which the notice of attachment referred to in the preceding Clause was given; and until the expiration of that time the defaulter shall be at liberty to appeal to the collector against the distraint of his property.

Appeals against distraint may be made within 30 days.

Third.—If no appeal be made, the distrainer shall have authority, at the expiration of the thirty days after notice given as above provided, to cause the distrained property to be sold in conformity with the Regulations.

After thirty days, and no appeal, the property attached may be sold.

Fourth.—If an appeal be made, the collector shall without delay institute a summary inquiry into the correctness of the demand for which the property has been attached; and if it shall appear that the amount claimed is justly due, he shall issue his order for the sale of the property to the district moonsiff, or other authorized person. If a sum less than the amount demanded shall appear on inquiry to be due, the collector shall order so much property only to be sold as may be sufficient to discharge the debt.

In case of appeal Collectors to hold a summary inquiry.

Fifth.—When notice shall not have been given of property attached for arrears of rent or revenue, as provided in Clause first of this Section, within thirty days after the attachment, the defaulter shall be discharged from the arrear for which the distraint was made, and the distrainer shall be subject to the penalties prescribed in Clause second, Section III. of this Regulation.

If notice of distraint be not given to the collector, the defaulter shall be discharged of his arrears. Further penalty.

V. The periods of the fifth and eighth day referred to in Section XXI. Regulation XXVIII. of 1802, shall be calculated from the day on which the order of the collector for the sale may reach the village where the property is under attachment.

Periods of notice how to be reckoned.

VI. In the cases stated in Clause second, Section XXXIV. Regulation XXVIII. of 1802, where there may be reason to apprehend the immediate elopement

If defaulter be about to abscond, the proprietor may apply

ment of the defaulter or his surety, the proprietor or farmer shall present the petition prescribed in that Section to the district moonsiff or tahsildar, who shall proceed thereon as the native commissioner is directed to proceed by the said Clause.

VII. Whenever the penalties for exactions referred to in Section VII. Regulation XXX. of 1802, shall be levied, the amount of the exaction shall be returned to the ryot, together with such further proportion of the penalty as may appear a reasonable compensation for the injury sustained; provided however, that such penalties shall be held in deposit during the period limited for appeal by Clause first, Section XVI. of this Regulation.

VIII. *First.*—The lands of under-farmers or ryots shall not be granted to other persons by proprietors or farmers under the provisions of Section X. Regulation XXX. of 1802, until such proprietors or farmers shall have made application to the collector, and obtained his leave for that purpose.

Second.—If the collector on examination find the rates of the pottah tendered by the proprietor or farmer to be just and correct, the under-farmer or ryot shall be ejected under the collector's order unless he assent to the terms; but if the rate shall exceed the just rate prescribed, an order shall be issued by the collector to the proprietor or farmer, prohibiting the ejection, and requiring the issue of a pottah within one month from the delivery of the order to him, under penalty for delay as provided in Section VIII. Regulation XXX. of 1802.

IX. Suits preferred in the zillah court for arrears of rent or revenue from under-farmers or ryots, or their sureties, where no pottah has been granted, shall be dismissed with costs, unless it shall be proved to the satisfaction of the Judge that a pottah had been tendered, and refused, or that both parties had agreed to dispense with the use of pottah and muchilka.

X. Regulation XXXII. of 1802, is hereby rescinded.

XI. Whenever any persons who may lay claim to lands or crops in the possession of others, shall forcibly take possession of the disputed lands or crops, the party dispossessed shall be at liberty to bring the case before the collector of the district, who, upon proof of such forcible ejection, and of the actual previous possession by such ejected party, shall cause the disputed lands or crops to be restored to the complainant, or the value of the crops to be paid to him, if they shall be damaged, destroyed, or not forthcoming; and shall further award against the offender such costs and damages as may be equitable.

XII. *First.*—Where claimants of disputed lands or crops, or other persons assisting such claimants, may in taking, or attempting to take, forcible possession of the disputed lands or crops, kill or wound, or violently beat any person, the collector shall take cognizance of such violent acts as magistrate, and shall proceed according to the Regulations and circumstances of the case, forwarding the offenders, and all persons aiding or assisting them in the act; to the Criminal Judge, to be by him dealt with according to the provisions of the general Regulations.

Second. The Criminal Judge shall exercise his discretion in granting to parties injured by the violent acts of claimants of disputed lands, the whole or any part of the fine which they may levy from the aggressors under the preceding Clause.

XIII. Where the agents, servants or dependents, or other persons in the employment of claimants of disputed lands or crops, may take, or attempt to take, possession thereof by force, and the actual claimant may not be present, the Criminal Judge shall proceed against the parties actually present in the manner herein directed, in the event of their having killed, wounded, or violently beaten, any person. Where it may be proved that the parties immediately concerned in taking or attempting to take possession of disputed lands or crops, acted by the orders, or with the knowledge or connivance, of the actual claimants, such actual claimants shall also be proceeded against in the Criminal Court in the same manner as if they had been present.

XIV. Where claimants of disputed lands or crops may go armed with swords, sticks or other weapons, or give orders for, or connive at, other persons going so armed, to take possession of such lands or crops, and where the party in possession of such lands or crops, or other person having claim thereto, may use violent and unjustifiable

Certain penalties when levied to be paid to the ryots on whom exactions have been made.

Proprietors not to grant lands of ryots under Sec. X. Regulation XXX. of 1802, without leave from the collector.

If just rates have been offered by the proprietor, and refused, the Collector shall sanction the ejection of the ryot; if otherwise, collector how to proceed.

Suits for arrears to be rejected by courts unless the tender of a pottah, or the mutual consent of parties, be proved.

Rescission.

Persons forcibly dispossessed of their lands or crops to bring their case before the collector, and how he is to proceed thereon.

Claimants of disputed lands or crops using force, and causing death, or any personal injury thereby, to be forwarded to the criminal judge.

Criminal judge may grant to the injured parties a portion of any fine levied.

It in the absence of the actual claimants, their agents or servants are guilty of such conduct, the same mode of procedure is to be observed.

Where the parties acted by the orders or with the knowledge of their principals, the principals are to be proceeded against as if present.

Where disputed lands and crops shall be contended for by persons armed, and death or wound ensue

unjustifiable means of defence beyond what is necessary to guard their own lives and persons, to prevent such claimants or armed persons from taking possession of the lands or crops, or to dispossess them by force; and where in consequence of such unjustifiable means of defence having been used affrays ensue, and people are killed, wounded, or violently beaten, on either side, the Criminal Judge shall adjudge the lands and crops in dispute to be forfeited to Government, and both claimants and other persons concerned or assisting in the affray shall be committed to prison, or to bail, (according to the circumstance of the case) to take their trial before the Criminal Court.

XV. First.—The collector shall have authority to refer all disputes respecting arrears of rent or revenue, or respecting rates of assessment in money or kind, or of division in-kind, as well as all questions of the right of occupancy or possession of lands or crops, which may be brought before him under this Regulation, to a district or village punchayet for decision, provided both parties agree to that mode of settlement.

Second.—The collector shall have authority, in cases of disputes which may be brought before him under this Regulation, to exercise the powers vested in village and district moonsiffs under Regulations V. and VII. of 1816.

XVI. First.—An appeal shall be open to the Zillah Judge, by regular suit, from all decisions passed by the collector under this Regulation, provided the petition of appeal shall be presented to the Zillah Judge within thirty days from the date of the collector's decision.

Second.—Decisions of the collectors are not to be set aside for want of form, or for irregularity in their proceedings, but on the merits only.

XVII. When suits respecting disputed lands and crops may be referred to a punchayet, the collector, on the application of either party, shall have authority to put one party immediately in possession, and maintain him in it until a decision shall be given.

XVIII. The provisions of Section IV. Regulation XII. of 1816, shall be extended to all disputes between ryot and ryot, respecting the occupying, cultivating and irrigating of lands in districts, whether permanently settled or otherwise.

XIX. Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependent, to act in their behalf in suits which may be brought before the collectors of zillahs under this Regulation.

XX. Suits instituted before the collectors under this Regulation shall be exempt from all stamp duties, and fees of every description, whether decided by themselves, or under their orders by village or district punchayets.

XXI. Proceedings before collectors under this Regulation shall be summary, and summonses to parties and witnesses may be either verbal or in writing at the discretion of the collector.—It shall only be necessary for the collector to keep an abstract diary in the language of the district in the following form.

on either side, and lands and crops shall be forfeited to Government, and both parties be liable to criminal prosecution.

Disputes of the nature contemplated in this Regulation may be referred to punchayets.

Collectors may exercise the powers vested in village and district moonsiffs by Regulations V. and VII. of 1816.

Appeal from the collector's decisions under this Regulation lies to the zillah court if preferred in 30 days

Collector's decisions not to be set aside for informality.

Collectors in certain cases may put one of the litigant parties in possession of disputed lands or crops.

Section IV. Regulation XII of 1816 extended.

Who may be employed as vakeels for parties under this Regulation.

Suits under this Regulation to be free from stamp duties.

Form of proceeding under this Regulation.

Names of Parties.	Abstract of Plaintiff.	Abstract of Decision.	Date of Delivery.
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A. D. 1822. REGULATION VI.

A REGULATION for extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses, or other places used for the custody of property, with an intent to steal; or charged with theft, or with buying or receiving stolen property, knowing the same to have been stolen; or charged with escape from jail or other place of confinement.—Passed by the Honourable the Governor in Council of Fort St. George, on the 19th of July 1822.

Preamble.

WHEREAS much of the time of the Judges of Circuit is occupied in investigating the offences of breaking into, or attempting to break into, houses, tents or other places of habitation, or into warehouses, or other places used for the custody of property, with an intent to steal; of receiving or buying stolen goods knowing the same to be stolen; and of some other offences which, from their character, and from the circumstances attending their perpetration, do not very frequently demand severe punishment: And whereas the prosecutors and witnesses in such cases are exposed to great distress and inconvenience in being compelled to attend not only during the inquiry into such cases before the Criminal Judges, but subsequently during the trial before the Court of Circuit: And whereas the prisoners themselves in such cases are sometimes subjected to a prolonged detention in custody previously to their trial at the Sessions: And whereas some of the inconveniences above noticed will be obviated, and the ends of criminal justice will be more promptly and effectually obtained, by investing the Criminal Judges and the Courts of Circuit with certain powers with regard to the trial and punishment of persons charged with and convicted of such offences; the following rules have been enacted, to be in force from the date of their promulgation:

Rules for the guidance of criminal judges on the trial of offenders charged with breaking into houses, &c. with intent to steal.

II. First.—The Criminal Judges shall be guided by the following rules whenever individuals may be apprehended and brought before them on a charge of having committed the offence of breaking into or attempting to break into a dwelling house, tent, or other place of habitation, by night or by day, with an intent to steal; (but without open violence such as to constitute the crime of robbery by open violence, as defined in Clause first, Section III. Regulation XV. of 1803,) or with the offence of breaking into or attempting to break into any warehouse, storehouse, or other building or place used for the custody or preservation of property, either by night or by day, with an intent to steal, (but without open violence,) or of being present, aiding and abetting, in the commission of any of the offences above specified; or, although not present, of having procured or caused the perpetration of any of those offences by hire, counsel or command; or of having in any manner confederated with the actual perpetrators of them in pursuance of a preconcerted plan.

If such offences be attended with acts of violence and certain other circumstances of aggravation, the criminal judge to commit the offenders to the court of circuit.

Second.—If the perpetration of any of the offences enumerated in the preceding Clause (not amounting to the crime of robbery by open violence) shall be accompanied with wounding, burning, corporal injury, or other aggravating act of personal violence; or if the prisoners, or any of the prisoners, concerned in the offences described in the preceding Clause shall appear to have been before convicted of burglary, robbery, or other heinous crime; or if the prisoners, or any of them, shall appear to be persons of notoriously bad character, or shall be charged with having committed the offence while employed in the office of watchmen, guards or police officers; or if property be stolen of which the value or amount shall exceed the sum of one hundred Madras rupees, in all such cases it shall be the duty of the Criminal Judge to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence, to take their trial before the Court of Circuit at the ensuing Session.

Punishment to be awarded by courts of circuit on such offences when convicted.

Third. In cases of conviction before the Court of Circuit of individuals charged with any of the offences above specified, if the act be accompanied with an attempt to commit murder, whether by wounding, burning, strangling, drowning, throwing into a well, or by any other means; or be accompanied with wounding, burning, or corporal

